VOLUME 7 NUMBER 2 2004

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

STILL MISSING!
Munch's *Madonna* and *Scream*

Authenticity Issues in Photography

Iraq Art Loss Update

IFAR Helps in Restitution of Nazi-Looted Drawing

INCORPORATING STOLEN ART ALERT

IFAR *Journal*, ISSN 1098-1195, is published quarterly by the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110. Subscription rates are $65 per year. POSTMASTER: Send address changes to the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110.

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IFAR WISHES TO ACKNOWLEDGE THE INTERNATIONAL MUSIC AND ART FOUNDATION FOR ITS GENEROUS GRANT IN PARTIAL SUPPORT OF IFAR JOURNAL.

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75 STOLEN ART ALERT

COVER: Edvard Munch (Norwegian, 1863-1944). *Madonna*, 1894-95. Oil on canvas. Stolen from the Munch Museum, Oslo, Norway on August 22, 2004.
© Munch-museet/Munch-Ellingsengruppen/BONO 2004. See story on p. 4 and item nos. 80 and 81 on p. 76, this issue.

TO THE EDITOR:

Re: "Lost in Translation"
(*IFAR Journal*, Vol. 7, no. 1, 2004, Book Review, pp. 38-45)

What an extraordinary piece the Konstantin Akinsha article is (see "Lost in Translation," *IFAR Journal*, Vol. 7, no. 1) and not simply for the vigor of its attack on our book *The Amber Room* (Walker and Co., 2004). Over the decade that Catherine Scott-Clark and I have worked together, our articles, books and films have garnered their fair share of plaudits, and brickbats. But this piece, although mostly mischievous, has an unmistakable subtext – the subject of Soviet art belongs to Akinsha and his partner Grigorii Kozlov.

We didn't set out to create sensation or scandal, only to place the story into a cultural and political context, something that has never been attempted before – in German, Russian or English. The "sensation" was manufactured by Duma representatives and cultural bureaucrats in Moscow, and their reaction testifies to the current political climate. In these days of excessive chauvinism, as evident in Washington as it is rampant in the Kremlin, anyone critical of the totems of history comes under attack.

Akinsha complains of the melodrama and our baleful images of the Soviet period. But this book is aimed squarely at the general reader. We set out to combine a sense of time and place with investigative rigor to give the reader an insight into what it is like to work in the former Soviet states. All of our research material was peer reviewed by scholars in the UK, Germany and Russia. All our documents were re-translated to avoid ambiguity. Of course typos appear in every book. We recall the many in Akinsha's *Stolen Treasure* (Weidenfeld & Nicolson, 1995) but never thought less of him or Kozlov because of it.

But now to the meat of Akinsha's piece. He accuses the book of failing to deliver. And yet here reproduced, the vast majority of them for the first time, are the confidential files of the official search teams looking for the Amber Room and their correspondence with the Leningrad creator Anatoly Kuchumov – documents that reveal how the search team itself concluded that it was being hampered throughout its long life (it folded in the early Eighties) by the KGB and Soviet military.
Then there are the hundreds of new papers belonging to Kuchumov: his diaries, letters, and reports. They reveal how the man who failed to evacuate the Amber Room in 1941 was haunted and fearful of his decision for over 50 years. Since a close colleague at Pavlovsk Palace had been exiled to Kazakhstan on a trumped up charge of having failed to evacuate Leningrad's treasures efficiently, what fate would befall Kuchumov, the man who failed to evacuate the Amber Room, when the Nazis did it in 36 hours? Kuchumov returns to this, his dilemma, time and time again. And then there are Kuchumov's own notes from his reinvestigation of the mystery in 1946 that show he found nothing of significance when he sought the Amber Room in Königsberg and, in the face of this void of information, distorted the existing evidence to support a conclusion that the room had survived the war and was concealed in a Nazi hiding place.

What of Kuchumov's proximity to the KGB? Kuchumov joined the Party in 1948 at a time when membership was at an historic low. He eagerly took on an official role as a propagandist. He worked with every level of state and federal authority from the KGB to the Council of Ministers in Moscow. And his closest work colleague was the man who headed the Special Department at the Ministry of Culture, a KGB chief who privately shared secret service documents with Kuchumov. If Akinsha took the time to read this correspondence, he would see that the Kuchumov-Fors relationship was far from run of the mill.

Then there is Kuchumov's role in a Party-sponsored plan to ruin his predecessor, Alexander Brusov, the man unfortunate enough to have told the truth in 1945, concluding the Amber Room had been destroyed by the Red Army. In 1958, working with the First Secretary of the Kaliningrad Communist Party, Kuchumov collaborated in a series of newspaper articles that were reproduced across the Soviet Union and the German Democratic Republic. They demonized Brusov, placing words into his mouth, portraying him as mentally unstable, to bolster the false story that the Amber Room had survived. What does that make the great curator Kuchumov – Party man, friend of the secret service, propagandist, and literary assassin? At best a canny survivor. Everything he wrote for public consumption and indeed the interviews he gave should be read with this in mind.

Finally, there are the German documents, 18,000 of them that Akinsha makes no mention of at all, files never seen before as they were misplaced in an archive in Koblenz. They culminate in an admission by Erich Mielke, head of the Stasi, that he felt duped by the Soviets into searching for something that never existed and that the Amber Room mystery had been fabricated by his fraternal brothers in the KGB.

Kozlov might have speculated about elements of these truths in 1998 and again in 2003, but here, finally, after three-and-a-half years of digging, are the documents that show how after the initial error of judgment by a young Soviet curator, followed by a cataclysmic blunder by the Soviet army, a myth about the stolen Amber Room was created to cloud the bathetic truth. Akinsha suggests it is highly unrealistic that this complex cover-up operation would continue for 50 years. However, if one glances at the official material accompanying the opening of the new Amber Room in 2003, one can see that the lies spun in 1946 are being reheated by the Russian government today. What did Putin tell the VIP crowd? "The Germans concealed the Amber Room in a secret hiding place that has yet to be discovered."

ADRIAN LEVY and CATHERINE SCOTT-CLARK

AUTHOR'S RESPONSE

The Devil Is In the Details

Adrian Levy and Catherine Scott-Clark accuse me of complaining about the melodrama of their book and its "baleful images of the Soviet period," explaining that the book is aimed at the general reader. What I protested weren't "baleful images of the Soviet period" but completely erroneous fairy tales depicting the horrors of Soviet life. The history of the USSR was rich enough in real horrors; it's not necessary to manufacture fictitious ones.

The title of my review ("Lost in Translation") didn't refer to the quality of the translation of their documents but to the authors' lack of understanding of the historical realities of the country they were writing about.

Levy and Clark have not paid serious attention to the existing sources on the Amber Room. Their story of the room's destruction in Königsberg castle, far from being new, was described and analyzed by numerous researchers long before the appearance of Grigorii Kozlov's article in *Art Khronika*. See, for example, a documentary *Das Bernsteinzimmer* produced by Maurice Philip Remy.

I believe that the main problem of *The Amber Room: The Fate of the World's Greatest Art Treasure* is the authors' attempt to give absolute value to only one version of events without enough proof to back up their claim that they have discovered the final truth.

In my review I explained why Anatoly Kuchumov continued his search for the Amber Room. Levy and Scott-Clark don't want to agree with my explanation. They state that one of their proofs of Kuchumov's "proximity to the KGB" is that he "joined the Party in 1948 at a time when membership was at an historic low." What is the basis for such a statement? The membership of the Communist Party of the Soviet Union was at a historic low twice during its history: in 1922, when large numbers of disillusioned members left the party after the Kronstadt uprising of 1921; and in 1941, when millions of party members were killed on the battlefield. In 1948 the Communist Party of the USSR had 6,390,281 members, including 338,380 new members who had joined since 1947. It is not necessary to demonstrate "investigative rigor" to find such facts, which are available in any library. I am sure that Levy and Scott-Clark could wave aside my argument as an unimportant detail. Unfortunately, many of their conclusions are based on such wrongly interpreted details.

I can agree with the authors that "In these days of excessive chauvinism ... anyone critical of the totems of history comes under attack." However, criticism of totems both historical and political has to be based on facts. Otherwise it just fuels the chauvinism it is directed against. I am afraid that Levy and Scott-Clark's version of the history of the Amber Room will be useful to Russian hawks who will be able to dismiss much better grounded explorations of Soviet wartime cultural looting as the next "false journalistic sensation."

I don't want to respond to the highly personal, not to say insulting, comments of Levy and Scott-Clark. *Absit invidia!* They are irrelevant to the discussion and belong more to the realm of the taste of the authors.

KONSTANTIN AKINSHA

SECURITY UPGRADES CLOSE MUNCH MUSEUM UNTIL SUMMER

No Word on the Two Paintings Stolen in August

Months after the brazen daylight theft of two of Edvard Munch's most famous paintings, *The Scream* (Fig. 1) and *Madonna* (Fig. 2), from the Munch Museum in Oslo, the paintings are still missing, no ransom demand has been made, and the museum remains closed. A November report by a security firm engaged by the museum to perform a "comprehensive security analysis" suggested extensive improvements. As a result, the museum, which has been closed since the theft on August 22, and had originally intended to reopen in the fall, will remain closed several more months, until, "at the latest . . . the summer of 2005."

Security at the museum was widely criticized at the time of the theft. It took two thieves, wearing ski-hoods and brandishing guns, only a few minutes to order unarmed guards to the floor, cut the hanging wires, and yank the works off the wall of the main gallery of the museum, while astonished and frightened museum visitors watched in horror. The thieves then walked out the front door and placed the paintings in the trunk of a black Audi station wagon waiting with an accomplice outside (Figs. 3-5). Although alerted by a silent alarm, the police arrived too late. Shattered parts of the paintings' wooden frames and glass were found a couple of hours later, about a mile away, raising concerns that the paintings might have been damaged. The getaway car was also recovered and searched for fingerprints.

The event was captured primarily by camera-toting tourists. The museum's own surveillance cameras were either disconnected or insufficient. It was later revealed that the City of Oslo's art collections had requested funds for new surveillance equipment for the Munch Museum the previous January, but the equipment had not yet been purchased.

In the wake of the theft, the museum hired a security firm, Det Norske Veritas (DNV), to review the museum's security in relation to "robbery, break-ins and fire." The DNV report was announced at a press conference in Oslo on November 4 and in two broadly worded press releases that were placed on the museum's Website on November 4 and 5.

Some of the report is being kept confidential – to avoid making it easy for another criminal. But recommended improvements include installing:

- a lockable gate for the general public at some distance from the museum entrance;
- metal detectors;
- protective glass over the pictures; and
- bolting works to the museum walls.

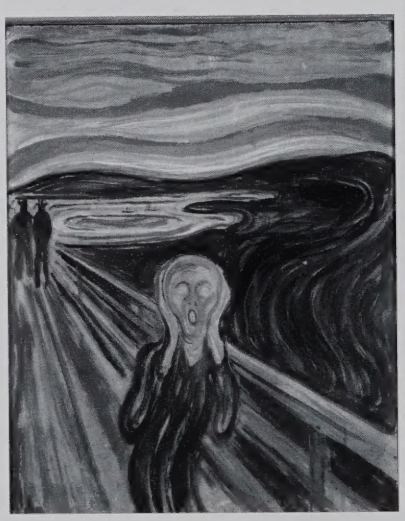

FIGURE 1. Edvard Munch. *The Scream,* 1893. Tempera on board. Photo: Copyright Munch-museet/Munch-Ellingsen-gruppen/BONO 2004.

FIGURE 2. Edvard Munch. *Madonna,* c.1894-95. Oil on canvas. Photo: Copyright Munch-museet/Munch-Ellingsen-gruppen/BONO 2004.

FIGURE 3. Photo, taken by a museum security camera, of one of the robbers making off with the paintings. Photo: Munch-Museet.

FIGURE 4. The robbers loading the paintings into the trunk of their getaway car. Photo: Stringer.

FIGURE 5. The Munch Museum cordoned off after the robbery. Photo: Klaus Børringbo.

Improvements are estimated to cost between 20-50 million Norwegian kroner (approximately $3.25- 8 million USD).

The security report underscored that this was the first armed museum robbery in Norway, a country where museum guards, in fact, policemen, do not carry guns. While, realistically, there is little that can be done to prevent any theft when a loaded gun is held to someone's head, the objective of the new security measures is time delay. According to the security firm's project manager, Monica Solem: "The only possible action towards armed robbers is to create enough time delay so that the police can get there in time. . . . At the time of the robbery, there were hardly any barriers to overcome in the museum."[1]

Ironically, unlike many European museums, which are vulnerable to theft because they are old structures, not built as museums but rather private homes or palaces, the Munch Museum was built specifically to house the more than 1,000 paintings and approximately 15,000 prints that were willed to the city of Oslo by the painter, who died in 1944 at the age of 80. The Munch Museum opened in 1963. Like many European national and municipal museums, however, the Munch Museum was not insured for theft, but only for damages from fire and water.

THE PAINTINGS

The two paintings are among Munch's most famous and iconic works. They belong to a cycle of paintings called *The Frieze of Life* that eventually comprised 22 distinct works on motifs of love, death, and sexuality. The Munch Museum *Scream*, painted in 1893 on tempera on board, is one of four painted versions of the work, which also exists in lithograph. Another

"In the wake of the theft, the museum hired a security firm to review the museum's security. . . . Some of the report is being kept confidential. But recommended improvements include installing: a lockable gate . . . [and] metal detectors, . . . and bolting works to the museum walls."

[1]See the DNV security firm's English language discussion of the report at : www.dnv.us/consulting/news_consulting/

FIGURE 6. Edvard Munch. *Madonna*, 1895. Sch. 33 A/ a/II. Lithograph printed in black on Japan paper. 60.5 x 43.8 cm. Signed in pencil l.m.: Edv Munch. Photo: Copyright Munch-museet/BONO 2004.

painted version (oil on board), generally considered to be the "first" of the four, is in the nearby Oslo Museum. It, too, was stolen – in 1994 during the Winter Olympics that were being held in Lillehammer, Norway. It was recovered, undamaged, three months later in a sting operation involving Scotland Yard and undercover operatives.

The Scream is one of the best known images in the history of art. The primal cry of pain that emanates from the foreground figure and reverberates in the rhythmic lines of the sky and water seems to embody all the existential anxiety of the modern world. It "speaks" powerfully to people more than 100 years after it was painted. The most thorough study of the painting was published by Reinhold Heller in 1973.[2] But the best description of the painting is, perhaps, Munch's own, an autobiographical poem in prose that he wrote (in Norwegian, French, and German) describing the experience that inspired the painting:

> I was walking along the road with two friends. The sun set. I felt a tinge of melancholy. Suddenly the sky became a bloody red.
> I stopped, leaned against the railing, dead tired (my friends looked at me and walked on) and I looked at the flaming clouds that hung like blood and a sword (over the fjord and city) over the blue-black fjord and city.
> My friends walked on. I stood there, trembling with fright. And I felt a loud, unending scream piercing nature.[3]

"Munch's *Madonna* is less well known, but no less resonant with symbolism."

Munch's *Madonna* is less well known, but no less resonant with symbolism. At once sacred and profane, femme fatale and Madonna, she is the embodiment of love and death and sexuality, as the many lithographic and other print versions of the work make especially clear. In them (Fig. 6), spermatozoa float in the border, while a contorted fetus crouches in the lower left. There are five known paintings of the *Madonna*, including the one stolen from the Munch Museum, and many versions in print, including lithograph, drypoint, and woodcut. Many of the prints are in the Munch Museum; others are in private collections.[4]

Both images – the *Scream* and *Madonna* – are so famous, and the theft, itself, has been so well publicized, that the works are simply not marketable on any legitimate art market, now or ever. Given that, and the fact that no ransom demand has been made thus far, or at least has been made public, the motivation for the thefts remains a mystery.

— S.F.

[2] See Reinhold Heller, *Edvard Munch: The Scream* (New York: Viking, 1973). This book is part of a series of publications called "Art in Context."

[3] *Ibid*, p. 107.

[4] For reproductions of 9 of the prints, as well as the painting in the Munch Museum, see: Elizabeth Prelinger and Michael Parke-Taylor, *The Symbolist Prints of Edvard Munch: The Vivian and David Campbell Collection*, exhibition catalogue, Art Gallery of Ontario. Yale University Press: New Haven, 1996.

AAMD Publishes Guidelines for Museum Acquisition of Antiquities

In June 2004, the Association of Art Museum Directors (AAMD) published guidelines for its member museums concerning the "Acquisition of Archaeological Materials and Ancient Art."

The collecting of antiquities – whether by museums or individuals – has become an increasingly contentious subject. Many foreign countries have drafted laws restricting the export and ownership of antiquities found in their soil, and several museums have become embroiled in ownership claims brought against them by foreign countries for antiquities in their collections, whether acquired by the museum through purchase or donation. In 1993, for example, the Metropolitan Museum settled a claim with the Republic of Turkey and returned a group of artifacts known as the "Lydian Hoard" that the museum had purchased in the 1960s. Other museums – including the Getty in California (in 1999) and the Michael C. Carlos Museum in Georgia (2003) – have initiated returns of antiquities to foreign countries even without a claim being made. In 2003, a prominent New York antiquities dealer, Frederick Schultz, was found guilty and sentenced to prison for his part in a conspiracy to sell Egyptian antiquities that the government of Egypt declared were stolen and taken out of Egypt in contravention of Egypt's 1983 patrimony law.

The subject has naturally become an important one for the AAMD. The new guidelines (although placed quietly on the AAMD's Website – www.aamd.org – without a press release), are the result of 18 months of meetings by a special AAMD task force.

The AAMD, whose members include about 175 major art museums in the U.S., Canada, and Mexico, publishes occasional position papers and reports to help its member institutions maintain the "highest standards of professional practice." In 1998, the AAMD published a report of a Task Force on Nazi-Looted Art.

> "The new guidelines are intended to provide guidance to the museum community in . . . 'the legally and ethically complex' decisions involved in the acquisition of antiquities."

The new guidelines are intended to provide guidance to the museum community in what the AAMD terms "the legally and ethically complex" decisions involved in the acquisition of antiquities. The AAMD Report includes a "Statement of Principles" and a section on "Guidelines."

Among the "Principles":

- Affirmation of the universality and importance of art museums in giving the public an opportunity to "encounter works of art directly, in the context of their own and other cultures."
- Reinforcement of the "rigorous standards" already practiced by their member museums and the encouragement of even greater "transparency" and "due diligence" in the acquisition process.

The "Guidelines":

- Suggest that museums rigorously research the provenance of works before acquiring them and obtain documents showing when the objects were brought into the U.S.
- Ask museums to disclose and disseminate acquisition information as soon as possible.
- Most importantly, the guidelines ask member museums to comply with all laws – domestic and foreign –governing the legal ownership and importation of the objects they acquire.

The guidelines set extremely high standards. Significantly, they state that member museums should not acquire any works "removed in contravention of the laws of the country of origin . . . after Novem-

ber 1970 [the date of the UNESCO Convention on Cultural Property] regardless of any applicable statutes of limitation and notwithstanding the fact that the U.S. did not accede to the Convention until 1983."

Until now, many museums and individuals in the U.S. have used the date of 1983 – when the U.S. became a party to the UNESCO Convention (with modifications) – as the cut-off date for when objects needed to have arrived in the U.S., whether or not the objects were exported from their countries of origin in contravention of a foreign law.

The Task Force members were not named, but Mimi Gaudieri, Executive Director of the AAMD, told IFAR that "the Task Force consisted of the directors of several of the major antiquities-collecting museums in the U.S."

Although the "Guidelines" are not legally binding, the AAMD "urged" its members to "accept and be guided by th[e] Task Force Report."

— S.F.

BREAKING NEWS

Art Dealer Ely Sakhai Pleads Guilty to Fraud Charges

As IFAR went to press, Ely Sakhai, the owner of the Art Collection, Inc./Exclusive Art, an art gallery/ bric-a-brac store in Great Neck, New York and, until December, also lower Manhattan, pleaded guilty in Federal District Court in New York to fraud charges involving an elaborate 15-year scheme to fake works by major artists, misrepresent them as originals, and sell them to unsuspecting purchasers. (See "A Recipe for Fraud," in *IFAR Journal*, Vol. 7, no.1, pp. 2-6.) His office manager, Houshi Sandjaby, also pleaded guilty. Both men are scheduled to be sentenced on July 5, 2005.

According to the Indictment, Sakhai instructed forgers to make exact copies of authentic works, including any markings on the back. Most were by late 19th and 20th century artists, including Gauguin, Chagall, and Renoir. In some cases, more than one copy of the original was made. They were sold to unsuspecting buyers, sometimes with a fake certificate of authenticity.

His scheme began to unravel when the inevitable happened: a fake Gauguin, "Lilas," which he had sold in 1997 to a person in Tokyo, and the authentic "Lilas" on which it was based, turned up at auction in New York at the same time – May 2000 – but at different auction houses, one at Christie's and the other at Sotheby's. Realizing that both of the works could not be authentic, the auction houses had them sent to a Gauguin expert to be examined, and one was later removed from sale.

Sakhai has agreed to pay $12.5 million into a fund for collectors who purchased the fakes, and he will forfeit eleven paintings – all believed to be authentic – to the government.

Sakhai faces a maximum of five years in jail and a $250,000 fine on one count of conspiracy, and a maximum of 20 years in prison and a $2 million fine for one count of wire fraud.

— S.F.

President Bush Signs Emergency Legislation Restricting Import of Iraqi Cultural Property

More than a year and half after the April 2003 looting of the Iraq Museum, the U.S. has enacted emergency legislation granting the U.S. President greater authority to block importation of archaeological and ethnographic material from Iraq. The measure, the "Emergency Protection for Iraqi Cultural Antiquities Act of 2004," will run for five years and expire on September 30, 2009.

Congress passed the legislation – H.R.1047 – on November 19, and President Bush signed it into law on December 3, 2004 as Public Law No. 108-429.

Although it may have enormous impact, the legislation concerning Iraq consists of only a few brief paragraphs inserted into a very long (over 200 pages) tariff bill entitled the "Miscellaneous Trade and Technical Corrections Act of 2004." The emergency provisions were prompted by the fact that under the Cultural Property Implementation Act of 1983 (CPIA) – the implementing legislation for U.S. Ratification of the 1970 UNESCO Convention on Cultural Property – a country has to be a State Party to the Convention in order for it to ask the U.S. to restrict importation of cultural heritage that is in "jeopardy of pillage." There was concern that a new government - or an interim government – of Iraq would not be considered a State Party to the Convention. Moreover, the CPIA requires that even an emergency request from a party that is a State Party must be forwarded to the Cultural Property Advisory Committee, which has up to 90 days to consider the request. Under the new emergency provisions, the President need not submit the request to the Committee and wait out the 90 days.

H.R.1047 was one of several Congressional bills introduced in the aftermath of the looting in Iraq, all designed to prevent importation of Iraqi looted objects into the U.S. All the other bills died before a vote was taken. One bill, H.R. 2009 (the Cultural Heritage Protection Act), was far more sweeping and was criticized by some people for undermining too much of the CPIA itself.

The text of the new legislation:

Title III - Iraqi Cultural Antiquities

Sec. 3001. Short Title.
This title may be cited as the "Emergency Protection for Iraqi Cultural Antiquities Act of 2004".

Sec. 3002. Emergency Implementation of Import Restrictions.

a) Authority: The President may exercise the authority of the President under section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603) with respect to any archaeological or ethnological material of Iraq without regard to whether Iraq is a State Party under that Act, except that, in exercising such authority, subsection (c) of such section shall not apply.

b) Definition: In this section, the term "archaeological or ethnological material of Iraq" means cultural property of Iraq and other items of archaeological, historical, cultural, rare scientific, or religious importance illegally removed from the Iraq National Museum, the National Library of Iraq, and other locations in Iraq, since the adoption of United Nations Security Council Resolution 661 of 1990.

Sec. 3003. Termination of Authority.

The authority of the President under section 3002 (a) shall terminate on September 30, 2009.

—S.F.

Author on Iraq Sentenced for Smuggling Looted Iraqi Artifacts into the U.S.

It wasn't long after the orgy of looting in Baghdad that authorities began watching for attempts to smuggle the stolen antiquities into the United States. We don't know for sure when the first attempt was made, but we do know the first person to be sentenced for trying to sneak in the artifacts.

He is Joseph Braude, a 30-year-old American writer who has published a book on Iraqi history and current affairs. He was sentenced in November to a two-year probation, including six months house arrest, and fined $2,000. The charge: illegally importing three ancient cylinder seals that had been stolen from the Iraq Museum in Baghdad.

Braude pleaded guilty in August, two days into his trial in federal court. Although he faced a statutory maximum sentence of five years and a fine of up to $250,000, Judge Allyne Ross, of the Eastern District of New York, reduced the sentence at the hearing on November 22 saying that Braude's action was an "aberrant" act in an otherwise law abiding life.

This case, the first prosecution in the U.S. relating to items stolen during the April 2003 looting of the Iraq Museum, had some unusual aspects.

Braude was not a likely suspect. He is a Near East scholar, the author of *The New Iraq: Rebuilding the Country for its People, the Middle East and the World*, published in 2003. He studied Near Eastern languages at Yale, and Arabic and Islamic history at Princeton.

In July of 2003 he returned to the U.S. via London from a trip to the Middle East. His flight came into John F. Kennedy airport in New York. A U.S. Customs agent performed a routine search on his luggage and found three marble and alabaster cylinder seals. Braude, not surprisingly, had not listed the seals on his customs declaration. The seals were wrapped individually in pink tissue paper and placed in a clear plastic case. They had not been hard to spot. They were decorated with carvings and had black markings – in ink – on the bottom bearing the letters "IM," indicating the Iraq Museum, and museum serial numbers. The Customs agent, who had seen a government "alert" regarding the massive looting in Baghdad, held onto the seals and let Braude leave.

A specialist identified the seals as Mesopotamian, from the Akkadian period, dating approximately to 2300-2100 B.C. Soon after, on August 8, 2003, Braude was arrested and charged with making false statements (initially even denying that he had been to Iraq) and with bringing the seals into the country in violation of a U.S. ban against importing any "Iraqi cultural property" removed from Iraq illegally after August 1990.

Braude later admitted to buying the seals in Iraq – for a total of $200. They were purchased, he said, from a vendor named "Mohammed" who, apparently, had quite a few seals to sell.

— S.F.

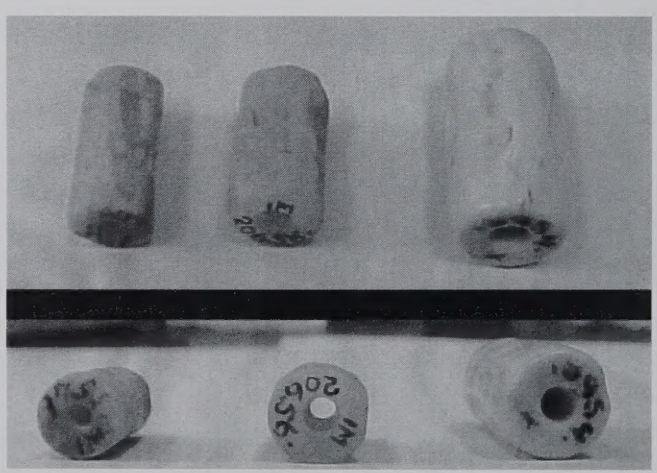

FIGURE 1. Three marble and alabaster cylinder seals, c.2300- 2100 B.C., found in the U.S., bearing Iraq Museum serial numbers.

IFAR RECEIVES IMLS GRANT FOR ART LAW WEBSITE INITIATIVE

Part of Major Project to Transform IFAR Website into an Information Resource

IFAR has been awarded a National Leadership Grant from the Institute of Museum and Library Services (IMLS), an independent federal grant-making agency, to help transform its existing Website (www.ifar.org) into an information resource for museums, the broader art and legal worlds, and the public. IFAR is one of only six organizations nationwide selected to receive an award in the National Leadership Grant's "Professional Practices" category.

The Art Law Website Initiative

The grant, announced by the IMLS on September 21, 2004, will support IFAR's Art Law Website Initiative, an ambitious project on which IFAR has been working for five years and into which it has already invested many thousands of dollars and hours. The project entails a major redesign of the IFAR Website and will include the following components:

- **International legislation** concerning the ownership and export of cultural property;
- **Cultural property "contact" information** – the person or department in each country to whom one should address a question concerning the legality of acquiring an art object;
- **Summaries of case law** in IFAR's core areas – including forgery, fraud, theft, looting, antiquities issues and World War II-related art ownership claims.

This initiative builds, in part, on material that IFAR has been making available in hard copy at nominal cost for several years. Initially compiled by IFAR for its April 2000 Conference on Provenance and Due Diligence, which was organized in collaboration with New York University, it has been continuously updated and expanded by IFAR. The "Provenance Conference Packet" has been ordered by numerous museums, galleries, institutions, and researchers around the world (to order, see www.ifar.org/publ_order_main.htm). The case-law component of the project, which is not available in hard copy, draws on the extensive legal files that IFAR has amassed over a period of 35 years.

The IMLS grant will help IFAR redesign its Website, translate additional foreign language legislation, expand, refine, scan, and digitize the vast amount of material, and place the material on its Website in a searchable, user-friendly format. After the project is launched, IFAR will continue to maintain, expand, and update the information.

Recent headline news stories concerning both the repatriation of cultural property and World War II art restitution claims underscore the timeliness and importance of this initiative. An IMLS reviewer called the project "invaluable" to the museum community, whose investment in recent years into researching "the legal aspects of collections has increased exponentially." This need will continue to grow. Indeed, this very issue of *IFAR Journal* reports on the Association of Art Museum Directors' (AAMD) new guidelines for member museums regarding the acquisition of antiquities and the need for greater due diligence and adherence to relevant national and international laws. The difficulty of finding those laws or the people in the foreign countries to whom one could address an inquiry is what prompted IFAR to begin this project in 1999. Each year, for example, IFAR contacts approximately 180 countries to update existing "contact" information. For many countries numerous faxes, e-mails, phone calls or letters are required before any response is received. Some countries never respond. Currently, we have contact information for 109 countries.

Under the terms of the IMLS grant, IFAR must raise additional money to "match" the government funds. Over the years, IFAR has received support for this initiative from the **Samuel H. Kress Foundation** and the **Joukowsky Family Foundation**.

The Art Law Website Initiative is part of a larger initiative to transform the IFAR Website into an information resource. Another component, devoted to catalogues raisonnés, will eventually include a database of catalogues raisonnés that have been published and another of catalogues still underway.

— S.F.

AMERICAN OWNERS RESTITUTE NAZI-LOOTED DRAWING TO FELDMANN FAMILY

IFAR Acts as Intermediary

SHARON FLESCHER AND GERTRUDE WILMERS*

It is rare that a good-faith purchaser of a Nazi-looted work of art offers to return it without remuneration to the family of its pre-World War II owner. It is rarer still when the offer comes without a claim to the new owner having been made; indeed, where the fact that the new owner possesses the work is not even known. Recently, however, IFAR acted as intermediary in just such a transaction when the owners of a beautifully preserved drawing depicting *The Liberation of Saint Peter from Prison* (Fig. 1) requested IFAR's help. The drawing, whose attribution to Rembrandt was originally made by Rembrandt scholar Otto Benesch[1] but subsequently came into question, was acquired in the early 1970s in Amsterdam by the Dutch father of an American university professor. The professor brought the drawing to the U.S. in 2000, after her father's death.

"She would 'err on the side of generosity' in assessing the basis for an ownership claim and wanted no publicity, indeed, asked that the family's name be kept privileged."

In 2002, the professor approached IFAR to learn whether the drawing was the same work that was published by Benesch as belonging to the Feldmann collection before the war, and, if so, whether it had been looted by the Nazis and unrestituted. If that were found to be the case, she wanted the work returned to the Feldmann heirs. Recent news stories had publicized the Feldmann family's search for its looted art. The professor sought an organization to research the drawing's provenance and serve as an objective and scholarly intermediary. A museum director recommended IFAR. The professor made it clear from the start that if the work turned out to be non-problematic, her family wished to keep it. If, on the other hand, the work turned out to have been looted and unrestituted, she would ask for no financial compensation, only that her family's status as "good faith" purchasers be acknowledged. She would "err on the side of generosity" in assessing the basis for an ownership claim

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[1] See *The Drawings of Rembrandt: A Critical and Chronological Catalogue* (London: Phaidon Press, 1954-57), I, p. 46, cat. no. 170, Fig. 182. The drawing is included in the revised and enlarged edition by Eva Benesch, published in London in 1973, I, Fig. 200.

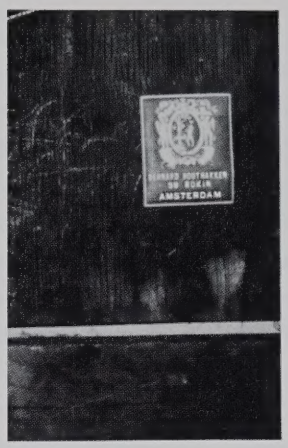

FIGURE 1. (left) *The Liberation of St. Peter from Prison*, once attributed to Rembrandt, 5 9/16 x 5 inches (14.2 x 12.6 cm). Pen and bistre on paper. Restituted to the Feldmann family in November 2004.

FIGURE 2. (above) Label from the Houthakker Gallery, Amsterdam, on the back of the frame.

and wanted no publicity, indeed, asked that the family's name be kept privileged. IFAR, moved by the generous – and unusual – gesture, all the more generous because the issue of whether the family could try to assert legal title under the Netherland's concept of acquisitive prescription (equivalent to our statute of limitations), was not even raised,[2] agreed to do the research, locate the heirs, and serve as intermediary, all gratis. We were not legal representatives.

In the course of its research, IFAR located one of the heirs, Uri Peled, in Israel. Peled is the grandson of Arthur Feldmann, and, by a wonderful coincidence, a subscriber to the *IFAR Journal*. One night he contacted IFAR by fax to order a back publication. IFAR's Executive Director, who was already searching for him, sent a note by return fax asking whether he was the Uri Peled related to Arthur Feldmann. When he answered "yes," she conveyed the news that a work from his grandfather's collection might have surfaced. IFAR then made contact with the Commission for Looted Art in Europe (CLAE), a nonprofit organization headquartered in London, which represents the Feldmann family, and then worked together with the Commission to facilitate the return.

THE FELDMANN COLLECTION

Dr. Arthur Feldmann of Brno, Czechoslovakia, a lawyer by profession, amassed an extensive art collection during the inter-war period. His holdings in the field of Old Master drawings alone numbered approximately 750 sheets.[3] In March, 1939, the Nazis invaded Brno, which was situated in the German-speaking part of the country, and confiscated the collection. The Feldmanns were arrested and their possessions seized. Dr. Feldmann died in 1941 after having endured interrogation and torture at the hands of the Gestapo in Spilberg Castle in Brno. His wife was deported and later died in Auschwitz. Their sons, Otto and Karl, escaped to what is now Israel in 1940. The fate of the collection remained largely unknown until recently despite the efforts of the family over the years to recover their lost treasures. Some records had survived the Nazis, and the family was able to document a significant part of the collection. There is, however, no published list of the works looted from the collection.

"Dr. Arthur Feldmann of Brno, Czechoslovakia, a lawyer by profession, built up an extensive art collection during the inter-war period."

[2] The work had been purchased from a gallery in Holland approximately 30 years prior and had remained in the continuous possession of the professor's family.

[3] Extensive research into Dr. Feldmann's art collection, his treatment by the Nazis, and the fate of his collection has been conducted by his grandson, Uri Peled, and the Commission for Looted Art in Europe. The information about Dr. Feldmann in this paragraph, including the number of drawings in his collection, has been published by the Commission.

In May 2002, the family made a claim for four drawings – by Niccolò dell'Abbate, Martin Schmidt, Nicholas Blakey, and circle of Martin Schongauer[4] – in the collection of the British Museum. Interestingly, the Museum acquired three of these drawings through Colnaghi, who bought them at the same Sotheby's sale in 1946 (see below) that auctioned *The Liberation of St. Peter.* Another Feldmann family claim, against the Moravskà Galerie in Brno, was resolved in 2003 when the gallery returned 135 works to the Feldmann family.

"Peled is the grandson of Arthur Feldmann, and, by a wonderful coincidence, a subscriber to the *IFAR Journal*."

During this period, the American professor was also searching for the truth. She had inherited the sheet from her father who had purchased it, as a Rembrandt, in the early 1970s from the Houthakker Gallery in Amsterdam (Fig. 2),[5] after becoming enchanted with the liberation subject, particularly the gentle way the angel leans toward St. Peter, so "like a parent to a child," his daughter told IFAR.[6] Her father was not a major art collector, but he knew art, loved Rembrandt and the idea of owning a Rembrandt, and was drawn to the tender subject. He purchased the drawing without provenance, but became concerned sometime later when he discovered a photograph of an apparently identical drawing in Benesch's *catalogue raisonné* of Rembrandt's drawings (Vol. I, #170). Benesch dated the work between 1637-1639 and gave the provenance as "formerly Dr. Arthur Feldmann Collection, Brno, Czechoslovakia." He did not indicate in the *catalogue raisonné* that the work was looted. But based on the Feldmann name and suspecting that the family was Jewish, the professor's father wondered whether it had been. As the Iron Curtain had not yet fallen, he did not know how to pursue an investigation in Czechoslovakia, but he relayed his concerns to his daughter. After his death, the daughter read about the Feldmann family's claim against the British Museum in an article in *ARTNews*[7] and realized that at least part of the Feldmann collection had been looted and that heirs existed. It was at this juncture that she turned to IFAR.

THE SUBJECT — ST. PETER

In researching the provenance of the drawing, IFAR's search was temporarily complicated by the fact that the professor incorrectly, and for unknown reasons, initially identified the subject of the drawing to IFAR as *Tobias and the Angel.* This confusion of theme is somewhat surprising, given that the drawing is clearly identified in Benesch's catalogue as depicting St. Peter in prison, but not altogether inexplicable. Rembrandt, like other painters of the Baroque era, was fascinated by subjects with supernatural beings, and the story of Tobias from the *Old Testament Apocrypha* provides one. It tells how, through the intercession of the archangel Raphael, Tobias is able to restore his blind father Tobit's sight. According to the late Julius Held, in a famous study on the subject of Rembrandt and the Book of Tobit, the artist illustrated the theme more often than any other biblical text of comparable length – in roughly 55 drawings, etchings and paintings.[8] Depictions of Saint Peter liberated by the angel,

[4] The claim to the British Museum was made on May 13, 2002. Details can be found on the British Museum's Website: http://www.thebritishmuseum.ac.uk/pd/pdreww2.html. The four drawings are still in the Museum, which has accepted that the drawings were looted. Among the many articles about the claim, see: "Looted Pictures' Claim Against British Museum," *Guardian Unlimited,* July 23, 2002, www.guardian.co.uk.

[5] The purchase receipt appears to have been lost or misplaced, and it is not known how much he paid. The label of the Houthakker Gallery is still on the back of the European-style frame that was acquired with the drawing . The frame also has several barely decipherable numbers and markings. Yellow crayon marks appear to have been erased. The Houthakker Gallery has since closed and its owner at the time is deceased. His son told IFAR in a phone conversation October 15, 2002 that he has no record of the sale.

[6] The professor's mother, however, did not like the work. She saw the scene as a "prison" and not a "liberation," so the drawing was rarely displayed. Hence, its almost perfect condition when it was brought to IFAR.

[7] See Pernilla Homes, "Heirs Seek Restitution of Drawings in British Museum," *ARTNews,* Summer 2002, p. 67.

[8] See his *Rembrandt and the Book of Tobit* (Northampton, MA: Gehenna Press, 1964), p. 7.

[9] There do not appear to be any Rembrandt paintings or etchings on the theme. Otto Benesch, in *Selected Drawings,* London: Phaidon, 1947, publishes a sheet (no. 285), of studies in which, among other sketches, there are two two-figure studies which Benesch identifies as *The Liberation of St. Peter.* There is also a drawing of the *Liberation of St. Peter from Prison,* probably by a pupil of Rembrandt's, in the Rijksprentenkabinet, Amsterdam. The subject, however, was depicted by many artists, including Murillo, Ribera, and Gustave Doré.

on the other hand, are rare in Rembrandt's *oeuvre*,[9] although not uncommon in the history of art.

The *New Testament* subject of St. Peter liberated by the angel (*Acts* 12:7) tells how "the angel of the Lord came upon" Peter, who was imprisoned in Jerusalem and sentenced by Herod to die, and "raised him up, saying: Arise up quickly. And his chains fell off from his hands." The drawing presented to IFAR depicts the moment that the angel gently leans over and touches Peter with his right hand, the balls of the prison chain having just fallen from Peter's hands to the floor, while the jailer sleeps on a chair to Peter's left.

PROVENANCE

Otto Benesch was the first person to document the drawing as being in the Feldmann collection in his 1934 article published in the *Wallraf-Richartz-Jahrbuch*.[10] This is not surprising as Benesch, a recognized authority on Rembrandt drawings who would later serve for many years as the director of the Albertina Museum in Vienna, advised Feldmann on the collection. It is not known, however, when or from whom Feldmann first purchased the drawing. Benesch cites only one previous sale, in Amsterdam, 1911.[11]

In June 1934, the same year as Benesch's article, Arthur Feldmann put the drawing up for sale – as a Rembrandt, lot number 223 (illustrated) – along with a large group of other works, at the Gilhofer & Ranschburg auction house in Lucerne.[12] Benesch wrote the introductory essay for the sale catalogue in which he talked about Feldmann's passion for collecting but did not mention him by name. The work next appears in a sale at Sotheby's London, October 16, 1946, lot no. 64, which, curiously, does not list the Feldmann collection in the provenance, although it had been published by Benesch. It was at this same Sotheby's sale, as noted above, that three of the four drawings from the Feldmann Collection found in the British Museum were also sold. The *St. Peter* and the British Museum's drawings were consigned by the same London law firm.[13] The *St. Peter* was purchased at Sotheby's by a dealer, Stenman, for 62 pounds sterling,[14] and, as far as IFAR determined, it next appeared at the Houthakker gallery in Amsterdam in the early 1970s, where it was purchased by the American professor's father. Thus, IFAR's initial research revealed a provenance gap for the crucial years of 1934-46, from the time of the Gilhofer sale to that at Sotheby's.

This left a few questions to be addressed, including: whether the Feldmann *St. Peter* was sold at the Gilhofer auction in 1934 or, if not, in the years between that sale and the Nazi invasion of Czechoslovakia in 1939, which would mean that the drawing was not a looted work. And, second, was the Feldmann drawing the same work that was presented to IFAR?

THE DRAWING

Although the two drawings seemed to be identical – the dimensions (142 x 126 mm.) matched and the compositions appeared indistinguishable – there was an initial discrepancy. An inscription, "F23," that appeared lower right of the drawing illustrated by Benesch (Fig. 3) was not present on the "IFAR" work.[15] The inscription, we learned, was not an official Feldmann collection

[10] See "Unbekanntes und Verkanntes von Rembrandt," *Wallraf-Richartz-Jahrbuch*, Neue Folge, Doppelband II/III, 1933-1934, pp. 299, fig. 249. An English translation of this article is included in Benesch, *Collected Writings*, I, *Rembrandt* (London: Phaidon, 1970), p. 118, Fig. 87, edited by Benesch' widow, Eva. Benesch died in 1964.

[11] Benesch, in *The Drawings of Rembrandt*, 1954-1957, gives its earlier provenance only as "sale, Brenner, Amsterdam, December 12, 1911." This, presumably, is a reference to a sale at R.W.P. de Vries, Amsterdam: *Estampes anciennes et modernes*, although IFAR could not find the drawing of St. Peter mentioned in that sale, (The Getty Museum Library owns an annotated catalogue).

The Liberation of St. Peter is included in the revised and enlarged edition of the catalogue by Eva Benesch, published in London in 1973, I, Fig. 200. In both this revised edition and in the *Collected Writings*, the only addition to the provenance from that in the 1954-1957 edition is the Gilhofer & Ranschburg sale of 1934 (see below).

[12] The sale at H. Gilhofer & H. Ranschburg, Lucerne, took place on June 28, 1934. The catalogue, *Handzeichnungen Alter Meister aus Zwei Privatsammlungen*, notes that the drawing was cited by Benesch in his 1934 article in the *Wallraf-Richartz-Jahrbuch*.

[13] The works were consigned by the London solicitors, Bennett & Bennett, but it is not known on whose behalf. The firm is no longer in business. This information was provided by Sotheby's to the British Museum and is included in the information on the Museum's Website.

[14] A buyer's list with prices is inset into the Sotheby's catalogue.

[15] The inscription appears in all the illustrations of the work published by Benesch but not in the illustration in the Gilhofer & Ranschburg sale catalogue.

FIGURE 3. Detail showing the "F23" in the lower right corner of *The Liberation of St. Peter from Prison* as illustrated in Benesch's catalogue raisonné.

FIGURE 4. Verso of *The Liberation of St. Peter from Prison* showing the numbers 223 (twice) and 6270.

"stamp."[16] We wondered, however, whether a similar inscription might have been erased from the IFAR drawing. But examination by the paper conservator Margaret Holben Ellis, a professor at the Institute of Fine Arts, New York University, and Director of the Thaw Conservation Center at the Morgan Library, determined that nothing had been erased from the lower right corner of the IFAR work. The "F23" that appeared in the Benesch photographs was nothing more than an identification number written in opaque ink on the photographic negative used to reproduce the drawing.

Examination also revealed that the "IFAR" *St. Peter* was drawn on standard antique laid paper, a type frequently used in Rembrandt's workshop, and executed with a quill-nibbed pen in bistre, an ink with a washy appearance made from the soot of a woodburning fireplace and popular with Rembrandt and other artists of the time.[17] A watermark on the IFAR sheet partially obscured by the jailer's legs comported with a watermark that was noted on the drawing, but not described, in the Gilhofer & Ranschburg sale catalogue of 1934.[18]

Any doubts that the work presented to IFAR was identical with the work described by Benesch were dispelled by examining the verso, for clearly visible on the back of the IFAR drawing (Fig. 4), and inscribed by hand twice, was the number 223 – the very lot number of the Feldmann drawing at the Gilhofer & Ranschburg sale. Two other numbers inscribed on the back of the drawing have not been identified. They are: "6270" and "Abb [?] 41," (short for "abbildung" – illustration), which presumably refers to an as-yet-unidentified illustration of the drawing.

ATTRIBUTION — IS IT A REMBRANDT?

The Liberation of Saint Peter from Prison has been included in the Rembrandt literature over the years. Otto Benesch accepted the drawing as the work of the master, first describing it in the article in the *Wallraf-Richartz-Jahrbuch* noted above, and later including it in his six-volume catalogue raisonné of Rembrandt drawings, published in 1954-1957. But the recent large-scale

[16] *Frits Lugt, Marques de Collections de Dessins & d'Estampes*, the standard reference work for collectors' stamps, lists no stamp for the Feldmann collection.

[17] Before examining the drawing under magnification, the conservator considered the possibility that ironball ink had also been used in the IFAR work, due to a slightly corrosive effect visible at the lower right, but under magnification it was identified as bistre.

[18] Research was unsuccessful in identifying this watermark which appeared to depict a horse and rider and two letters of the alphabet. Little work has been done on the watermarks on Rembrandt's drawings, only on his prints. The watermark in the work presented to IFAR does not appear in the standard reference work on the subject by: Nancy Ash and Shelley Fletcher, *Watermarks in Rembrandt's Prints*, Washington, National Gallery of Art, 1998.

re-examination of Rembrandt's *oeuvre* as a whole has called its attribution into question.

Rembrandt was one of the greatest and most prolific draftsmen of all time whose large corpus of drawings exist as independent works of art, for the most part unrelated to his paintings. They include a large number of biblical subjects, as do his paintings, and are characterized by great spontaneity and economy of line. As a draftsman, Rembrandt was not as interested in perfecting anatomy or perspective in the classical sense, as he was in imbuing his scenes with humanity, using proportion and setting as a means to achieve his expressive goals. Rembrandt's intensive study of the nude model gave to his figures a particularly animated and poignant quality.

Because Rembrandt rarely signed or dated his drawings, their chronology has been based on style and medium. In recent years, scholars have focused on redefining Rembrandt's *oeuvre* and Benesch's connoisseurship methods have come in for heavy censure. In fact, as early as 1956, the Harvard scholar Jacob Rosenberg, in his review of Benesch's recently published *catalogue raisonné*, noted the wide difference of scholarly opinion about many of the drawings, and criticized Benesch for adhering too closely to criteria that, today, are no longer generally accepted by Rembrandt specialists.[19] Many modern scholars now believe that more than half of the nearly 1,400 drawings Benesch attributed to Rembrandt are by his pupils or unknown artists.[20] This stands to reason considering that Rembrandt, who rarely signed his drawings, was for many years the most sought after master in the Netherlands, and his pupils learned to draw in his style and continued to do so after establishing independent careers. Already in the early eighteenth century, Arnold Houbraken could comment that the works of Rembrandt's pupils resembled those of their master so closely that they caused confusion and were even sold under his name.[21] Jacob Rosenberg's 1956 review specifically mentioned the *Liberation of Saint Peter from Prison.* Working only from the Benesch reproduction, Rosenberg called the drawing "weak," and "perhaps an old copy after an original of the middle [sixteen] thirties." Its status remains questionable today because of what scholars who have seen it consider areas of weak draftsmanship. Egbert Haverkamp-Begemann, for instance, a noted Rembrandt drawing specialist who examined the work with IFAR, commented: "I don't consider the drawing to be by Rembrandt. It is the wrong attribution. [There] is a lack of precision and care in the lines."[22] And Martin Royalton-Kisch, Senior Curator of Drawings and Prints at the British Museum, working from a photograph of the drawing, noted: "This is a drawing I have not been considering as by Rembrandt for some time, and I think that's the best way to leave it for now."[23] The general debate over the attribution of drawings said to be by Rembrandt will no

"Any doubts that the work presented to IFAR was identical with the work described by Benesch were dispelled by examining the verso . . ."

[19] See Jacob Rosenberg, review of Otto Benesch, *The Art Bulletin* XXXVIII, no. 1 (March, 1956), pp. 63-69.

[20] Werner Sumowski's recent multi-volume study has been useful in attempting to establish a corpus of drawings of the Rembrandt school. See his *Drawings of the Rembrandt School* (New York: Abaris Books), 10 vols., 1979-1992.

[21] See Josua Bruyn, "Rembrandt's Workshop: its Function and Production," in *Rembrandt: the Master and his Workshop*, exh. cat., Rijksmuseum, Amsterdam, *et al*, 1991-1992, p. 70.

[22] Phone conversation October 24, 2004 with IFAR's Executive Director, Sharon Flescher. Egbert Haverkamp-Begemann is the John Langeloth Loeb Professor Emeritus, Institute of Fine Arts, New York University, a member of IFAR's Art Advisory Council, and author of numerous publications on Rembrandt and Rembrandt's drawings.

[23] Email to Sharon Flescher, December 6, 2004. Royalton-Kisch is the author of *Drawings by Rembrandt and His Circle in the British Museum* (British Museum Press, 1992) and a noted expert on Rembrandt drawings.

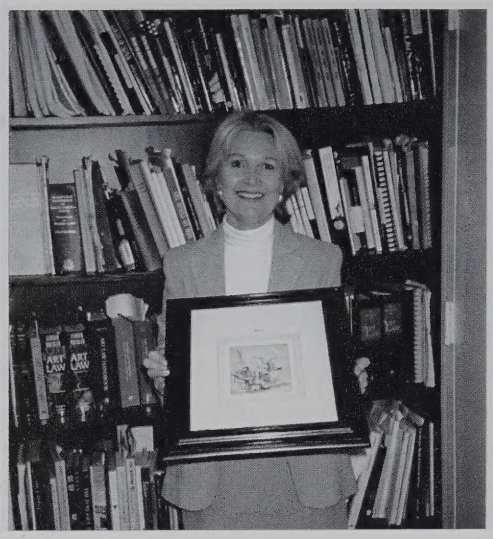

FIGURE 5. IFAR's Executive Director, Sharon Flescher, with the drawing.

doubt continue. The recent re-examination of Rembrandt's early draftsmanship, in fact, has already caused many previously accepted Rembrandt drawings to be reassigned to members of his workshop. Some attribution problems may never be completely resolved.

THE RESTITUTION

With confirmation that the work brought to IFAR once belonged to the Feldmann collection, all that remained was to determine whether it was one of the drawings looted in 1939. The Commission for Looted Art, representing the Feldmann family, presented evidence – in confidence – satisfactory to the American owners that it was, and an agreement was eventually signed. The process took a while, due, in part, to illness and death in the professor's family, the busy travel schedules and other commitments of parties located on three continents, and the need for a formal legal agreement to be drafted and signed.

When the Agreement was completed, the drawing, which, in the course of IFAR's research had been returned to the professor, had to be brought back to IFAR for restitution to the Feldmann family. The professor came to New York City and formally presented the work to IFAR's Executive Director (Fig. 5). It was an emotional moment. According to the professor, her father had considered himself merely the "custodian" of the work and had wanted it returned if it had been looted. She was now fulfilling his wish, while at the same time parting with a drawing he personally loved and that had belonged to her family for more than a generation. She – and her family – had offered to return the work believing that it was an autograph drawing by the master, and was disappointed to learn that it was no longer considered a "Rembrandt."

IFAR then shipped the drawing to the Commission for Looted Art in Europe, for ultimate return to Uri Peled and his relatives. A joint press release was sent out by IFAR and the Commission. In it, Mr. Peled said:

> "I have spent so many years searching for the collection and have experienced so many difficulties, that I very much appreciate the wish of this collector to seek us out and return the drawing to us. It means a great deal to our family."

And, indeed, it means a great deal to all concerned.

"She —and her family —had offered to return the work believing that it was an autograph drawing by the master, and was disappointed to learn that it was no longer considered a 'Rembrandt'."

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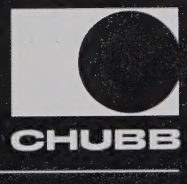
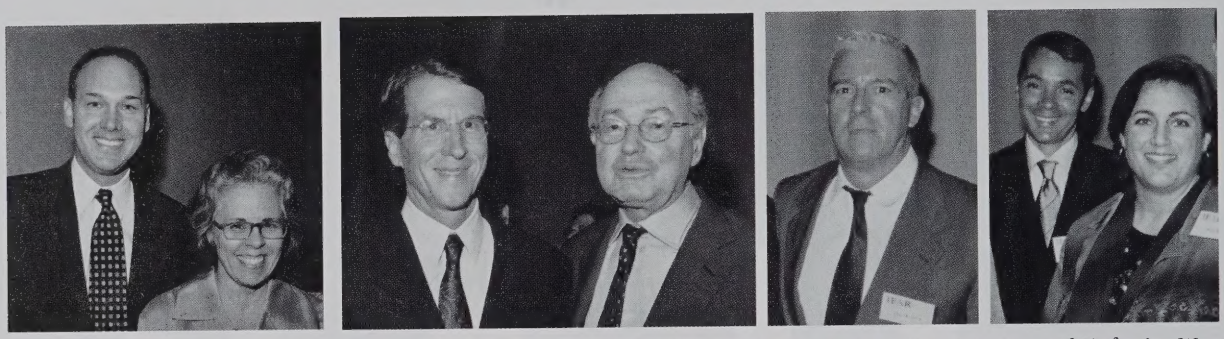


AUTHENTICITY ISSUES IN PHOTOGRAPHY

IFAR EVENING, SEPTEMBER 21, 2004



Left To Right: Steven Manford, Denise Bethel, Peter MacGill, Richard L. Menschel, Peter R. Stern, Paul Messier, and Katherine Ware.

SPEAKERS IN SEQUENCE:

KATHERINE WARE
Curator of Photographs,
Philadelphia Museum of Art

DENISE BETHEL
Senior V. P. and Director,
Photographs Dept., Sotheby's

STEVEN MANFORD
Man Ray research scholar
and photo historian

PETER R. STERN
Of Counsel, McLaughlin
& Stern, LLP

PAUL MESSIER
Conservator of photographs
and works on paper

PETER MACGILL
President, Pace/MacGill Gallery

RICHARD L. MENSCHEL
Photograph Collector

EDITOR'S NOTE:

Photography has joined the ranks of "high" art, attracting top dollar on the auction market and receiving pride of place in museums. It is not surprising, therefore, that troublesome issues once limited to the "fine arts" have become a concern in photography; namely, authenticity, provenance, authorized vs. non-authorized, and posthumous vs. lifetime images. These issues were recently brought to the fore by legal cases involving prints purportedly by photographers Lewis Hine (1874-1940) and Man Ray (1890-1976).

In order to address the issues relating to the authenticity of photographs, and the Lewis Hine and May Ray situations in particular, IFAR invited seven specialists from different parts of the photography world to speak at an IFAR EVENING *held at the Dahesh Museum on September 21, 2004. The Chubb Group of Insurance Companies provided a generous grant to IFAR in partial support of the program. An edited transcript of their talks follows.*

INTRODUCTION: THE CURATORIAL PERSPECTIVE

KATHERINE WARE*

KATHERINE WARE
IFAR Evening, September 21, 2004

I want to thank Sharon Flescher and her colleagues for organizing this panel. I am speaking from the point of view of the museum curator but we have a variety of speakers, all coming from slightly different perspectives. Together we make up this organism called the photography community, and it's important that we all work together.

I had to laugh last year when *ARTnews* did a cover article on photography, calling it "The Medium of the Moment" in 2003![1] I thought, "Where have you been for the last ten years?" It seemed to me to have been the medium of the moment for quite awhile. But then I had to admit that it *is* still news, it's still the medium of the moment, and I don't need to belabor the point to anyone here. You've all seen the phenomenal explosion of photography exhibitions, the acceleration of the market, the escalation of the number of collectors. The phone keeps ringing, people want to know more about photography, and that's really exciting but it also taxes our available resources. It's great to be popular but there are challenges that come with that, which is, in part, what we want to talk about tonight.

Douglas Nickel (Director of the Center for Creative Photography in Tucson) wrote a very succinct and impassioned piece about photography in the recent issue of the publication *Photograph*.[2] This was a shorter version of an article he wrote in 2001,[3] talking about the tremendous growth in this discipline and some of the difficulties that have resulted from that. He also provided an analysis of who, and what, is supporting that growth. Part of his discussion focused on universities: who is currently teaching the history of photography and who will succeed them. I want to carry that a step further and ask who will be the professors who teach the history of the medium from the objects themselves, showing their students actual photographs, as did Beaumont Newhall,[4] Peter Bunnell,[5] and Van Deren Coke?'[6]

My confession tonight is that I am an object person. I love objects; I love working with them; I love writing about them. And that's where I think our

* Katherine Ware is Curator of Photographs at the Alfred Stieglitz Center, Philadelphia Museum of Art, and the former Assistant Curator in the Department of Photographs at the J. Paul Getty Museum.

[1] See Deidre Stein Greben, "The Medium of the Moment," *ARTnews*, February 2003, pp. 108–111.

[2] See Douglas Nickel, "On My Mind," *Photograph*, July/August 2004.

[3] See Douglas Nickel, "History of Photography: The State of Research," *The Art Bulletin*, v. 83, no. 3 (September 2001), pp. 548–58.

[4] Newhall was Curator and Director, George Eastman House International Museum of Photography, Rochester, NY and, before then, Librarian, Museum of Modern Art, NY and curator of MoMA's 1937 exhibition: *Photography* 1839–1937.

[5] Bunnell is Faculty Curator of Photography, Princeton University Art Museum and Professor Emeritus, History of Photography and Modern Art, Princeton University.

[6] Van deren Coke was Director of the George Eastman House International Museum of Photography, Rochester, NY and Curator of Photography, San Francisco Museum of Modern Art.

work should begin and end – with the picture itself. I think the public has an image of the art curator spending each day sequestered in the stacks, glancing through the collection reflectively – punctuated by intervals of reading thoughtfully from the rich literature of the history of photography – interrupted, perhaps, by a phone call or two. It's a great fantasy; I wish it were true! But in that stereotype it's implied that we are also pretty irrelevant. The trend now is to be more engaged with our audience and to be more engaged with engaging the audience. What curators used to do was learn about the collections in their care and to know about the works themselves, as physical objects as well as historically. One of my concerns for the field, which ties into our theme tonight of authenticity, is, who's doing that work if we don't have the museum curator working away in the dingy storeroom anymore?

I have very deep respect for my colleagues in this room, and certainly on the panel, for the work that they do often under great time constraints – putting out an auction catalogue with accurate information under a deadline; working with living artists and doing a show once a month. They are on the front lines of gathering information about photographs. What it really comes down to, for me, is that if we are passionate about these objects and their care and of sharing information about them with other people, then the groundwork needs to be established about what the photographs are made of, who made them and why, and where they come from. Beyond pure preservation, almost everything else we do springs directly from that kind of scholarship, which, I'm sorry to say, no longer seems to be supported in institutions.

Certainly there are a few museums that have made contributions in recent years by publishing detailed information about their collections, but you hardly need more than one hand to count them. In terms of comprehensive cataloging, in the middle of the 1980s there was the fantastic four-volume publication on the Atget collection at MoMA, which is still a crucial resource. Scholarship has been added, but nothing has superceded it. The Center for Creative Photography in Tucson published a catalogue of their Edward Weston holdings. The J. Paul Getty Museum has published books on their Walker Evans collection and a catalogue raisonné on Julia Margaret Cameron, and there's a fantastic book on Linnaeus Tripe, but not a lot more than that.[7]

Most museums now have separate departments for photography. But in most institutions, historically, photography was joined with prints and drawings, which gives us the opportunity to contrast approaches to the different media within that context. Curators who work with prints have access to a tremendous, multi-volume resource called *The Illustrated Bartsch.* You can look up all sorts of information: what state of a Dürer print was owned by a particular collector and when. *Bartsch* contains such a staggering accumulation of information that it can be intimidating to use, but the facts are there at your fingertips. Drawings, which were often closely associated with the creation of masterpieces, have also stimulated a lot of research and cataloging among collectors and museums. There is a tradition of attention to issues of provenance, the nature of the paper and material used the by artist, and so on. Since photography remained in the category of ephemera rather than art until recent decades, such basic information about the individual object and its owners has often not been recorded. To my mind this is one of the central challenges we face, and I hope we can find greater support for study and research as well as the publications that disseminate those findings throughout the field. I'm looking forward to our discussion tonight and now pass the torch to Denise Bethel!

[7] See: John Szarkowski and Maria Morris Hambourg, *The Work of Atget* (4 vols.). New York: Museum of Modern Art, 1985; Amy Conger, *Edward Weston: Photographs from the Collection of the Center for Creative Photography.* Tucson: Center for Creative Photography, 1992; Judith Keller et al., *Walker Evans: The Getty Museum Collection.* Los Angeles: J. Paul Getty Museum, 1995; Julian Cox and Colin Ford, *Julia Margaret Cameron: The Complete Photographs.* Los Angeles: J. Paul Getty Trust Publications, 2003; Janet Dewan, *The Photographs of Linnaeus Tripe – A Catalogue Raisonné.* Ontario: Art Gallery of Ontario, 2003.

THE VIEW FROM THE AUCTION HOUSE

DENISE BETHEL*

DENISE BETHEL
IFAR Evening, September 21, 2004

I am the Director of the Photographs Department at Sotheby's, New York. To put this in perspective, since we're talking about authentication issues, I was trained in a *very* traditional manner. I did a Masters degree in 19th century British painting at the Courtauld Institute of Art. Nothing could be further from what I do today. I'm pleased to present the auction house perspective on authentication issues and photography. What I have to say may not only apply to the auction business, but also to the work done by curators, dealers and collectors.

LACK OF CATALOGUES RAISONNÉS

My colleague, Steven Manford, referred me to a very interesting article by Pierre Valentin in the July/August 2004 issue of the *Art Newspaper*.[1] It begins: "Auction houses will generally decline to auction a work of art if it does not feature in the artist's catalogue raisonné, which is generally perceived to be the definitive and exhaustive catalogue of the artist's work. The inclusion of a work of art in a catalogue raisonné serves to authenticate the work. If it is not included, it suggests that the work is not genuine." Clearly the author of this article was not comprehensive in his definition of a work of art, for under these traditional guidelines, no auction house could accept a photograph for sale. I'm aware of no true catalogue raisonné for any photographer's work. Kate Ware and I came up with the same list of publications that serve as catalogues raisonnés. On my list are: Amy Conger's catalogue of Edward Weston's work at the Center for Creative Photography[2] and Judith Keller's[3] work on Walker Evans at the Getty collection. I want to point out that neither of these books list how many copies of the print exist, where the others are, what kind of paper they should be on, or how they are marked. We have Sarah Greenough's magnificent catalogue of the Key Stieglitz Set in the National Gallery of Art,[4] which *does* make distinctions of paper and *does* make an attempt to locate other copies, but it is *not* a catalogue raisonné, and she makes that very clear in her introduction to the two mammoth volumes. We have Julian Cox's work on Cameron,[5] Janet Dewan's work on Tripe,[6] and Larry Schaaf is still going great guns on Fox Talbot. None of these works constitute a catalogue raisonné in the traditional sense.

"I'm aware of no true catalogue raisonné for any photographer's work."

* Denise Bethel is Senior Vice President and Director of the Photographs Department at Sotheby's in New York City.

[1] See Pierre Valentin, "Trust Me, This is a Fake," *Art Newspaper*, July/August 2004, p. 29.

[2] See Amy Conger. *Edward Weston: Photographs from the Collection of The Center for Creative Photography*. Tucson: Center for Creative Photography, 1992.

[3] See Judith Keller. *Walker Evans: The Getty Museum Collection*. Los Angeles: J. Paul Getty Museum, 1995.

[4] See Sarah Greenough. *Alfred Stieglitz: The Key Set – Volume I & II: The Alfred Stieglitz Collection of Photographs*. New York: Harry N. Abrams, Inc., 2002.

[5] See Julian Cox. *Julia Margaret Cameron: The Complete Works*. Los Angeles: J. Paul Getty Trust Publications, 2003.

[6] See Janet Dewan. *The Photographs of Linnaeus Tripe: A Catalogue Raisonné*. Toronto: Art Gallery of Ontario, 2002.

There are a number of big names missing from both Kate's list and mine. For example: Ansel Adams, Edward Steichen, Harry Callahan, Dorothea Lange, André Kertesz, Imogen Cunningham – any number of photographers that we might consider household names. The works of all the photographers I have named sell at auction in the $100,000 and up range, and nothing even close to a catalogue raisonné exists for any of them. How then do we all do our jobs? On what basis do we sell or authenticate works of art?

EXPERIENCE

There are two bodies of experience that apply to the auction business, but I think they apply to museums, dealers, and collectors as well. The first I will call the *quantity experience.* This is the opportunity to see and study a considerable body of work by one photographer at any given time. This is rare in the auction business, which is characterized by quick and frequent turnover of hundreds of objects. My colleague, Peter MacGill, is a dealer who represents artists such as Harry Callahan and Robert Frank. He deals in quantities of their works and has dealt with them for years. He has, in spades, what I would call, the "quantity experience" in Robert Frank and Harry Callahan, and his reference for these photographers is invaluable. At Sotheby's we have been fortunate to handle a number of artists' works in quantity, such as Southworth and Hawes. My colleague Chris Mahoney and I know Southworth and Hawes because we had a sale of 240 Southworth and Hawes daguerreotypes. We have a pretty good fix on Berenice Abbott's photographs from the 1930s of New York because we were once fortunate to have a sale of over 100 photographs from this series. We are also very conversant with Carleton Watkins's "New Series" photographs because we had a sale of Watkins's "New Series" last April. So we have that quantity experience.

Some curators are lucky to have big collections of one artist: the Stieglitz Collections at the Philadelphia Museum and the National Gallery of Art. Those are quantity experiences. Beth Iskander is a new colleague of mine at Sotheby's. She was the Director of the Time Incorporated picture collection and has probably seen more Burke-White photographs, or Alfred Eisenstaedt photographs, than anybody I know, so she has that quantity experience. These are very segmented areas of experience.

The other type of valuable experience in this field is what I call the *longevity experience.* This is the experience of looking at photographs – for me at auction – for a very, very long time. To be blunt, in the absence of catalogues raisonnés, the photographic apprenticeship is a very long apprenticeship. Those who have been in the business for a long time have an advantage over those who have not, because in most cases there is simply no place to go to look it up. Absolutely none. Ultimately, it becomes a question of what is in your head; what you have seen over a number of years. Either you know that an Edward Weston should be on platinum paper to be a true vintage print, or you don't. Either you know that this type of Stieglitz should be flush-mounted, or you don't. Either you know whether a signature on a Weegee is required, or you don't. There is no place to go to look that kind of information up. Trust me. There is always the possibility that if your contacts are good you can call someone, which I do all the time, if you have a question. The trick is *knowing* that there is a question to be asked. It's very tricky.

"Either you know that an Edward Weston should be on platinum paper . . . or you don't. Either you know that this type of Stieglitz should be flush-mounted, or you don't. . . . There is no place to go to look that kind of information up. Trust me."

When photographs were worth a few hundred dollars at auction, connoisseurship issues were not as important as they are now. Now the stakes are sufficiently high for one to need to know that the Edward Weston should be on platinum paper, that the Stieglitz should be flush-mounted, and that the Weegee doesn't need to have a signature. If I am any good at this business, it's not necessarily because I was a good student at the Courtauld Institute of Art. It's because I have been looking at photographs and have had the privilege of conducting photo auctions for 25 years.

A MAN RAY PUZZLE

Because Kate Ware and Steven Manford are here, I'd like to talk about one Man Ray photograph. It should make traditional art historians go into fits because what I am about to describe is something that most art historians never have to encounter. The photograph (Fig. 1) was the cover lot of one of our sales last April. There were three catalogues in all. I'm picking Man Ray because, let's face it, I could really be a devil and pick someone like Fortunata Obraplaska, and you would all say "Well of course, nobody's working on Fortunata!" Somebody should be working on Man Ray. Steven Manford is working on the Rayographs, but we don't have *any*thing that qualifies as a catalogue raisonné for Man Ray.

I got a call before the last round of sales from a collector who had two Man Ray photographs. She said "I have a Man Ray photograph of Paul Éluard, and one of a society lady in Paris, in the 1920s. And I want to sell." I went to her apartment, and to be honest, the Man Ray portrait of the society lady wasn't much . . . but when I saw her portrait of Paul Éluard, I thought "*What* a picture. What an incredible photograph!" And I immediately thought of the cover lot for our regular sale. Her husband had purchased this photograph in Germany some time around 1970. That's all she knew: she bought a Man Ray portrait of Paul Éluard in Germany, in 1970. I brought the picture to the office, and we went through every Man Ray book we have, looking for this picture. We have just about every Man Ray book that's ever been published. We couldn't find this picture. We then went to the two organizations that tally auction records: Gordon's Art Reference and Artnet, and we plugged in Paul Éluard. We went to every auction catalogue entry for a Man Ray portrait of Paul Éluard. Couldn't find it.

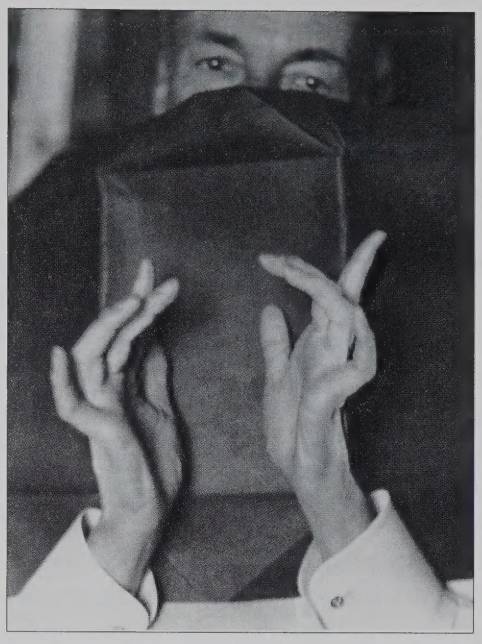


FIGURE 1. Man Ray, *Harry Melvill.* Photograph 8⅝" x 6½", mounted on tan paper, signed and annotated 'Paris' by the photographer in ink on the mount, mounted again on thick gray paper, matted, c.1925, no later than 1930. Cover lot, Sotheby's New York, April 28, 2004. Photo: ©2004 Man Ray Trust/ Artists Rights Society (ARS), NY/ ADAGP, Paris.

Steven Manford came over to see the picture and said "I've seen this picture somewhere before. Where have I seen this picture?" He asked "How do you know it's Paul Éluard?" I thought "Well, who else could it be? It doesn't *not* look like Paul Éluard." For people who know what Paul Éluard's eyes, eyebrows, and forehead look like, this could be Paul Éluard!

Our Impressionist Paintings Senior Expert, John Tancock, who knows a great deal about Dada and Surrealism, came down. He said "Ooooo. . .this is great, but I don't think it's Paul Éluard." I asked "Who else could it be?!" "I don't know," he responded, "but I don't think it's Paul Éluard. I think the hands belong to Jean Cocteau." It never occurred to us that it could be two different people.

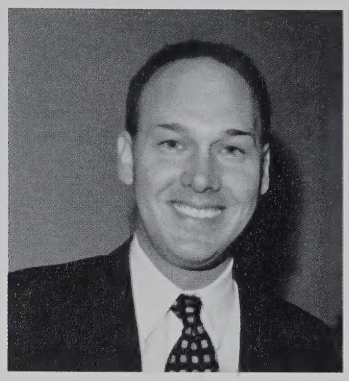
We had an intern at the time from Paris. She went to the Paul Éluard Website. She went to every Surrealism Website she could find. She went to the Cocteau Website looking for these great hands. What is this picture about? It's not a portrait in the way we think of a traditional portrait. Everyone at Sotheby's was working on this: John Tancock was going through all Man Ray painting books. Nothing. One night, late at work, I decided to e-mail Alain Paviot, a dealer in Paris who has *vast* experience with Man Ray. He e-mailed me back and he said "I love, and loved this picture. I had a print of this image in 1971." Talk about a memory. "And Rudolf Kicken had a print of it." Kicken is a dealer in Cologne. Then Paviot added: "It's 100 percent not Paul Éluard; it's Harry Melville." Well, this was just great! We all went into absolute euphoria. It was not Paul Éluard, it was Harry Melville. And then we said, "Who the heck is Harry Melville?!" That started us on a new Google search. We went to *Herman* Melville Websites, hoping that this was the long lost descendent of the novelist Herman Melville. We googled everything we could think of, we found nothing.

My colleague Beth Iskander, who is a demon at the Internet, found a reference to a slide of an artwork entitled "Portrait of Harry Melville" by Man Ray in the Philadelphia Museum of Art. So we e-mailed Kate Ware. I asked. "Can I send you a jpeg? We have a picture of someone named Harry Melville." We e-mailed the picture and Kate said, "We've got this picture. It *is* Harry Melville." I said "How did *you* know it's Harry Melville?" She said "because when Carl Van Vechten" – the photographer, poet – " gave us our print of the picture in 1949, he told us that it says on the back 'Harry Melville'." That was enough for us. We thought: OK, we've got the print that Rudi Kicken/Alain Paviot had; we've got the print in the Philadelphia Museum of Art. But this still didn't tell us who Harry Melville was. So we continued to search and to make a long story short: we found a Harry Melville, who was an assistant director of a film that was produced in Paris in 1920, called: *Sophie of Kragnovia, or, The Virgin of Paris*. That was all we could find. It did not seem likely. Kate Ware, meanwhile, went back to her "accession files" and discovered that Harry Melville, according to the inscription on the back of her picture, had been a friend of Oscar Wilde's. We tried that combination and came up with nothing, until Kate, again, doing our research for us, went back to the accession card and said "Try spelling Melville without the 'e' on the end." Harry Melvill: M-E-L-V-I-L-L. Very odd spelling. We googled that and we found out who he was. My colleague, Chris Mahoney, found a Website devoted to Oscar Wilde called the "The OScholars" Website with an article describing who Harry Melvill was, his relationship to Cocteau, to the ballet, to the circle that revolved around Olga, the wife of Baron De Meyer, and her family. He was part of a social set in France, in the '20s. It all suddenly made sense, and we were able to go forward with a full page catalogue essay, not only on Man Ray and Harry Melvill, but a very interesting group of photographs that Carl Van Vechten donated to the Philadelphia Museum of Art in 1949. What fascinated me was that there were other Man Ray photographs that he donated, in which portions of the sitter's face were either distorted, or covered up. So, that's another area of research.

Now, this was one lot in an auction of 255 items. There was simply no place to go to look this information up. Simply no place to go. We were thrilled with what we found. We felt very confident going forward with this image on the cover. I called the consignor to tell her the bad/good news and said, "I have bad news. It's not Paul Éluard. The good news is, it's Harry Melvill." She said "*Who? Who* did you say it was?" Fortunately, we had a realistic consignor who was not invested in the idea that it had to be Paul Éluard. And once I told her about the print in the Philadelphia Museum of Art and the other things we found, that was enough for her. Now, I have not even touched upon what kind of paper this was on, how it was marked, when it might have been printed, or how it was signed, or stamped. I felt confident that it was a Man Ray, based on the markings. I felt confident that it was an old print, based on the paper. But I'm going to leave those issues to my other colleagues on the panel. Thank you.

AN INQUIRY INTO THE FATE OF MAN RAY'S NEGATIVES & STUDIO STAMPS

STEVEN MANFORD*



STEVEN MANFORD
IFAR Evening, September 21, 2004

The hurdles involved in authenticating Man Ray's photographs are large. One need only inquire about the fate of his negatives and studio stamps. Although the great man passed away in 1976, his negatives and studio stamps have continued to lead active lives. Remarkably, the posthumous photographs made from original negatives and the brazen stamping of photographs were only recently halted. Former secretary to Man Ray, Lucien Treillard, was the man who thought he was Man Ray. The tools at his disposal were unrivalled: original negatives and studio stamps taken from Man Ray's studio. An archive belonging to the Man Ray Trust and the French State was being exploited and compromised by a colleague who regarded Man Ray as his father. I want to discuss the facts and consequences of an archive ravaged and neglected.

A prolific artist, Man Ray is recognized above all as a photographer. In 1921 he went to Paris to be an artist. He ended up staying until 1940. The photographs made in Paris in the twenties and thirties were revolutionary. They remain influential. Among key works: *Noire et Blanche (Black and White)*, 1926; the one-of-a-kind, camera-less photographs, called *Rayographs*; the portraits of artists and literary figures; and *Larmes (Glass Tears)*, ca. 1930-33 (Fig. 1).

* Steven Manford is a Man Ray research scholar and photo historian. He is working on a catalogue raisonné of Man Ray's rayographs and preparing a volume of Man Ray's selected correspondence.

THE INVENTORY OF THE NEGATIVES

When Man Ray passed away in 1976 he left a large archive of negatives, contact prints, and photographs. He was survived by his beloved wife, the beautiful Juliet Browner Man Ray. Several years elapsed before Juliet's brothers began to organize the archive. Records from the Man Ray Trust indicate that an evaluation of the negatives began in 1987. Merry Foresta, who would curate the ambitious Man Ray retrospective of 1989,[1] made the first inventory. Respected conservator Anne Cartier-Bresson worked on the restoration of the negatives. In partial payment of French death taxes, the Man Ray Trust agreed to donate all the negatives, the contact prints, and a selection of photographs to the Paris modern art museum, Centre Georges Pompidou. On June 21, 1993, the Curator of Photographs, Alain Sayag, supported by the Trust, took possession of thousands of negatives and contact prints.

"I want to discuss the facts and consequences of an archive ravaged and neglected."

We do not know how many negatives were left in the studio when Man Ray died. After 1976, property began walking out of the studio at an alarming rate – and it took until 1988 before anyone thought to count the negatives. That inventory documented 7,807 nega-

[1] Washington, The National Museum of American Art, Smithsonian Institution, *Perpetual Motif: The Art of Man Ray*. December 2, 1988 - February 20, 1989.

FIGURE 1. Man Ray, *Larmes (Glass Tears)*, c.1930–33. Gelatin silver print, Private Collection, U.S. Photo: ©2004 Man Ray Trust/ Artists Rights Society (ARS), NY/ ADAGP, Paris.

tives and 945 transparencies. Eric Browner, of the Trust, however, recalls a further inventory consisting of 12,000 negatives on film stock and 3,000 silver nitrate glass plate negatives. Others have claimed that there were, at one time, as many as 25,000 negatives. I had a hard time reconciling these disparate numbers until I discovered a document which revealed that roll film negatives were not included in the initial tallies.

"Is it any wonder that we have problems with May Ray when thousands of negatives can vanish and no one notices?"

In 1994, six years after the first inventory, the Pompidou listed the donation as consisting of 5,000 contact prints and 12,000 negatives. This then leaves us 3,000 negatives short. The number is probably much higher as the 3,000 flammable glass plates were to have been copied. The duplicates have not been accounted for. In 1995, after public criticism for his posthumous printing, Lucien Treillard himself donated 1,500 negatives. These had come from the studio, although Treillard spun elaborate stories to convince otherwise. In summary, there are at least 3,000 copied negatives missing, as well as a further 1,500 unaccounted for glass plates missing – giving us a total of 4,500 negatives unaccounted for. Then again, who knows how many internegatives might have been made? Moreover, these figures are based on inventories of the 1980s not the 1970s. Is it any wonder that we have problems with Man Ray when thousands of negatives can vanish and no one notices?

The scope of Treillard's posthumous printing is not clear. What is fact is that he created entire Man Ray photography exhibitions based on 'new prints'. Exhibitions and catalogues prepared by Treillard have been presented in Japan, Australia, Spain, Great Britain, France, and Italy. They are the foundation of a number of institutional and private collections. I estimate that the number of posthumous prints made under the direction of Lucien Treillard is more than one thousand. With the passing of Treillard in 2003, the printing has presumably stopped. Where are the missing negatives now?

Negatives have a role to play in authentication. They can help in attributing an unsigned photograph. Negatives can further aid in understanding decisions made by the photographer about print cropping, paper choices, and sizes. Nonetheless, the foremost goal in having Man Ray's negatives archived is to get them out of circulation. Nothing is a greater distraction to the scholar, to the marketplace, and to the collector than the prospect of more newly minted photographs appearing. Treillard was not the only person to retain Man Ray's negatives and make prints.

POSTHUMOUS PRINTS

Some people have gone to great lengths to make new Man Rays look old. Pierre Gassman, a printer for Man Ray, went on to print for Treillard. Some Treillard prints were made on old papers – thus fostering the illusion of vintage. The large cache of Man Ray photographs that German collector Werner Bokelberg purchased made art world headlines in 1998 when they all turned out to be pretty and overly doctored imitations. The facts of this case were well covered in the February 1998 cover article in *Art & Auction* magazine and in *The Art Newspaper*.[2] The poor relationship between scholars, museum curators, and collectors, coupled with the absence of primary scholarship on Man Ray, made the circulation of the fake Man Rays possible.

Treillard's photographs were not properly identified as posthumous. The subject of the vague mark-

[2] See Emmanuel Fessy, "Magnificent Man Rays Too Good to be True," *The Art Newspaper*, June 1998, p. 8, and Steven Vincent, "Duped," *Art & Auction*, February 1998, p. 80 ff.

ing of the photographs is something I am going to set aside. The subject, I feel, hinges on the frequent use of stamps bearing Man Ray's name. These stamps seem to identify the photographs as by Man Ray – but they are *not* Man Ray's photographs. The photographs have no author. Perhaps Lucien Treillard is their author. Negatives never printed by Man Ray were used after his death. His outtakes and leftovers were among the printed. Man Ray did not approve the negatives Treillard printed from. Man Ray had no input about the croppings. The posthumous works merely represent Treillard's guess as to what Man Ray's rejected (or discarded?) photographs were about.

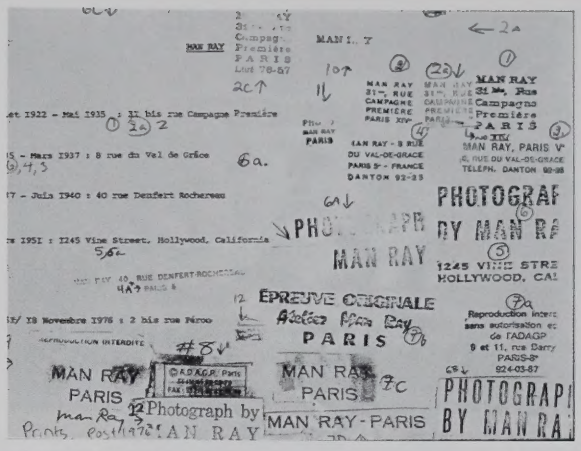


FIGURE 2. An Inventory of Man Ray's stamps. Prepared first by Lucien Treillard, with additional stamps added by the Man Ray Trust. Photo: ©2004 Man Ray Trust/ Artists Rights Society (ARS), NY/ ADAGP, Paris.

Foremost, Man Ray gave no authorization. This debate is not, for me, a question of what constitutes 'original'. Nor is it a question of aesthetic merits. Treillard simply had no legal authority to produce these prints. The negatives were promised to the Pompidou. So why did the income go to Treillard rather than to the Trust or the museum? Which begs the question: Why has the Pompidou failed dismally to take up these issues and protect the legacy of Man Ray? While, in America, Man Ray experts Timothy Baum, and, particularly, Michael Senft were critical in exposing the posthumous printing and stamping – the French ignore the subject entirely. In 1994, Michael Senft addressed letters to Treillard which expressed his concern about the posthumous printing and the stamping. At the same time, Senft circulated these letters to the trade, to scholars, and to the Man Ray Trust. While Treillard replied to the letters the Pompidou did not participate in the debate that ensued.

The questionable photographs need to be marked before they are passed on to a new generation. Treillard was clever in nurturing the illusion of authenticity. Museum exhibitions were organized using his prints thus adding credibility to the material. Such prints could then be sold with a museum exhibition provenance. The argument Treillard often made for issuing new photographs was that the only way one could put together an exhibition was by making new prints. In turn, he believed that in making Man Ray more popular he was helping everyone, particularly the market. Maybe, but at what expense? Exhibition catalogues featured the Treillard prints. The reproduction of a Treillard Man Ray photograph in a catalogue was another prop. Mediocre coffee table books endorsed Treillard's photos.

THE STUDIO STAMPS OF MAN RAY

Let's briefly consider the stamps. Man Ray used many different studio stamps over a career spanning half a century (Fig. 2). They announced the current studio address: 8 rue Val de Grâce, 31 bis rue Campagne Première, 2 bis rue Férou. Much can be gleaned from the right stamps on the right picture: when the negative was made; when the print was made; when the photograph left his studio; when the photograph was sold. Despite flawed claims to the contrary, there is a logic in how, when, and why Man Ray used specific stamps. My scholarly efforts to understand Man Ray's methods, and to utilize the stamps as a source of facts have been frustrated. Again, Lucien Treillard. Treillard's expertise made him invaluable. He was, after all, Man Ray's secretary from the early 1960s until the death of the artist in 1976. On occasion he could be generous in his support: handling requests for reproductions, loans, or simply in discussing Man Ray's work with a photo historian. The dark side was Treillard's misguided belief that he had a right

"Nothing is a greater distraction to the scholar, to the marketplace, and to the collector than the prospect of more newly minted photographs appearing."

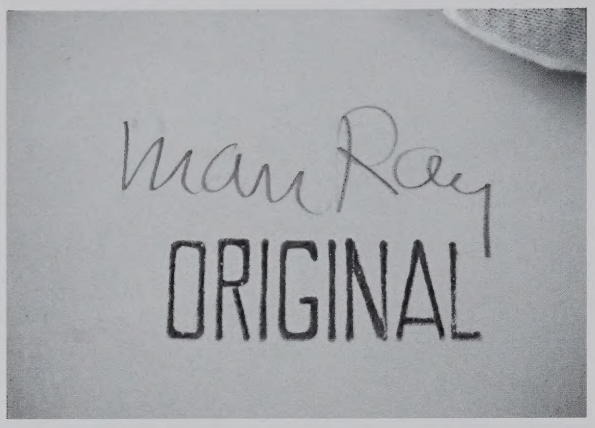


Figure 3. Stamp showing Man Ray's signature above and "Original" in rubber stamp below. Photo: Steven Manford. ©2004 Man Ray Trust/ Artists Rights Society (ARS), NY/ ADAGP, Paris.

to authenticate photographs by affixing Man Ray's stamps. A few years after Man Ray's death, Treillard removed all the stamps from the studio. They are historical relics – supreme fetish object for the photo historian. We would all like to see them, especially their rightful owners: the Man Ray Trust. Eric Browner, of the Trust, commented to me recently that he had never seen the stamps – so much did Treillard covet them. His goal in hiding them was simple – it was to avoid having to return them to the Man Ray Trust. In an ill-conceived plan to authenticate, Treillard ended up bringing critical scrutiny and doubt to Man Ray's photographs. His actions, – in my opinion and understanding of the situation – amounted to fraud.

We can only hope that the photographs Treillard stamped were Man Ray photographs. He explained his methods saying: "When a photograph is good, I stamp it and give a certificate of authenticity." And while he assisted Man Ray late in his career, Treillard's understanding of the meaning of the stamps is flawed, as was his inventory of stamps. While skilled, he was no scholar. The most dangerous of his pronouncements went that only those Rayographs stamped 'Original' or marked 'Original' in the hand of the artist were the true original (Fig. 3). In crude terms: stamped Rayographs were worth lots of money. All others were, in his opinion, copy prints. This is outrageous, but it illustrates the value Treillard placed on the stamps.

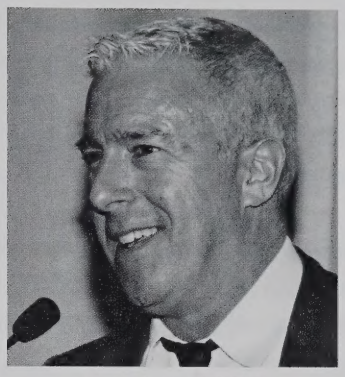
Why did Treillard feel it appropriate to authenticate by stamping photographs? Experts provide opinions but should not modify documents that are genuine. That is meddling with history. The Trust had the foresight to recognize that the stamping was unethical and inappropriate. As it prepared the 1995 auction of property of Juliet Man Ray, Treillard offered to stamp the photographs. The Trust declined. Unfortunately, many others embraced the offer. These embarrassing activities had little to do with authentication. In my opinion, it is deception. Newly stamped photographs take on new histories. People soliciting Treillard to have their photos stamped did not necessarily admit to having their photographs stamped. Stamping was simply done in hopes of creating a more marketable and valuable photograph. And Treillard was not without his financial stake. His claim that he stamped photographs as a professional courtesy is untrue.

Despite everything, despite the corruption of the eighties, despite the scandals of the nineties, Man Ray's stature has only grown. His photographs are among the most sought after by collectors and museums. It is a credit to the enormous imprint of Man Ray that his reputation and market were scarcely affected by the scandals and rumors. A less dynamic figure would have been ruined.

So, in the end, what are the lessons for authentication in photography? Clearly, we need to manage and protect the photographer's archive. We erred in not challenging Treillard's right to print and stamp Man Ray's work. And secondly, we remain vulnerable to deception, manipulation, and fraud because the field lacks primary scholarship. References are needed, like a catalogue raisonné, or at least the appendix of a catalogue raisonné. Let me remind you that the most prominent curators, dealers, and collectors were duped by fraudulent Man Rays – and the questionable photographs were not that good. We think we can tell the real from the imitation, but we need to fortify ourselves with better tools. Our jobs are only going to get harder.

THE LEGAL PERSPECTIVE AND THE LEWIS HINE CASE

PETER R. STERN*



PETER R. STERN
IFAR Evening, September 21, 2004

I am here to discuss the legal issues providing to the authenticity of photographs. By way of background, I have specialized in art-related matters for over 25 years, and in that period, I've worked with many collectors, over a hundred dealers in New York City, and nearly as many artists. Generally speaking, art cases fall into two groups. The first – not the topic here – relates to title disputes; that is, disputes over the ownership of artwork. The other concerns the authenticity of art objects. Prior to 1999, all my authenticity cases related to paintings or sculptures, not multiples, and certainly *not* photographs.

In 1999, an individual named Michael Mattis called me to say that he had a very interesting case and asked whether I would be interested. That call started my involvement in the Lewis Hine saga. Initially, I represented Michael in his claims. When his claims were resolved, I represented six of the principal photography dealers who handled the problematic Hine works. There's a dichotomy in what I can talk about because Walter Rosenblum's attorney in the Michael Mattis claim neglected to ask for a confidentiality provision in the settlement, so I'm free to discuss that. But in the case of the six photography dealers, which took place after Walter Rosenblum changed attorneys, there was a confidentiality provision, so I cannot talk about the terms of that settlement. Suffice it to say, however, most of the facts are already on the public record. Perhaps the best *current* description of the claims appeared in a June 2003 article in *Atlantic Monthly*,[1] which was a very extensive article, and from *my* perspective was as accurate as any article on the subject that I have read. That is, it included a number of things that were not totally correct, but it was very good, and it is probably the most accurate version of what happened – until Michael Mattis comes out with a book, which I'm sure will be forthcoming.

> **"When [Michael Mattis'] claims were resolved, I represented six of the principal photography dealers who handled the problematic Hine works."**

All of the claims involved questionable photographs by Lewis Hine that originated from Mr. Rosenblum,

*Peter R. Stern is an art law attorney in New York City; Of Counsel, McLaughlin & Stern, LLP; Chairman of the Board of Volunteer Lawyers for the Arts; and a member of IFAR's Law Advisory Council. Mr. Stern represented collector Michael Mattis and, separately, six photography dealers with respect to claims relating to posthumous prints by photographer Lewis Hine.

[1] See Richard B. Woodward, "Too Much of a Good Thing: Photography, Forgery, and the Lewis Hine Scandal," *The Atlantic Monthly*, June 2003, pp. 67-76.

a well-known teacher and photographer, and one of the generally accepted experts on the work of Lewis Hine. All of the photographs bore a Lewis Hine signature. Nearly all the photographs were said to have been given to Mr. Rosenblum by Lewis Hine. In my opinion, in excess of 200 photographs were involved. The total sales by Mr. Rosenblum could easily have exceeded $2 or $3 million.

Paul Messier will explain in greater detail the ways in which the lack of authenticity of these photographs was demonstrated. The short version, however, is that Mr. Mattis hired Paul to examine a group of thirteen photographs signed Lewis Hine. The photographs were owned by several collectors. Mr. Messier came up with three criteria for checking their authenticity. One related to the presence of optical brighteners in the paper. Optical brighteners were not introduced until after 1955, which meant that photographs in which there were optical brighteners could not have been printed during Hine's lifetime. Another issue was the manufacturer's stamp on the photographic paper. It turned out that most of the questionable photographs had a stamp that could not have been on the photographs when Lewis Hine would have created them. The third test had to do with fiber composition, which Paul Messier will explain. But, in nearly every case, Michael Mattis' Rosenblum-originated photographs failed at least two of the three criteria.

Mr. Mattis succeeded in having Mr. Rosenblum take back his photographs. As part of the settlement originally negotiated, Mr. Rosenblum was to give Mr. Mattis two vintage Paul Strand photographs. Shockingly, both of the Strand photographs turned out not to be vintage. As a result, we had to renegotiate the settlement.

As to the remaining quasi-Hine photographs, owned by my New York photography-dealer clients, I cannot disclose what the settlement amounted to; however, procedurally it involved – this is public information – the presentation to Mr. Rosenblum of the questionable photographs. Also, Paul Messier was hired to be in place in the event that Mr. Rosenblum believed that any photograph was correct. However, every photograph that was presented to Mr. Rosenblum was accepted by him. He raised no question about wanting any of them tested to verify their problematic nature.

"New York is one of the few states that has passed legislation protecting buyers of multiples. . . The provisions apply to photographs . . ."

What can a collector or a dealer do with regard to the purchase and sale of photographs? As pointed out by previous speakers, there is very little material that anyone can consult in order to check the authenticity of a photograph. Apparently, there are no exhaustive catalogues raisonnés on photographers, as there are on many painters and sculptors. The photography collector really has to depend on the dealer and the source of his purchases.

I have distributed copies of the statutes that exist in New York concerning the sale of multiples. New York is one of the few states that has passed legislation protecting buyers of multiples. The legislation is embodied in Article 15 of the New York Arts and Cultural Affairs Law,[2] which covers the sale of visual art objects and sculptures produced in multiples. These provisions are *very* unknown. I think if you asked the average dealer about their existence, he or she would not be aware of them. These provisions apply to photographs – there is no question that they apply to photographs – and they apply to the sale of photographs for over $100. They apply to photographs created at *any* time. However, the most stringent provisions relate to works that were created after 1982, with less stringent provisions for works that were created

[2] Article 15 - "Sale of Visual Art Objects and Sculptures Produced in Multiples," Arts and Cultural Affairs Law, New York State.

between 1950 and 1982, and relatively few requirements for works created prior to 1950. However, for works created *after* 1950, the seller is required to:

- identify the name of the artist;
- specify whether the object is signed;
- indicate what the medium or process of creating the work was;
- state whether or not there was any kind of posthumous creation of the work or whether there was a reproduction of the pre-existing image.

If a work was not signed, the seller must indicate whether the artist approved or authorized it. Particularly important, and probably not observed very frequently, is the requirement that the sale of the object specify the size of the edition, and the size of the edition is required to include the number of artist proofs and whatever other kind of proofs, including printer's proofs or trial proofs. These requirements are in the statute itself specified to constitute express warranties by the seller, which is, of course, a way of saying that the seller of the object is representing and warranting the accuracy of whatever information he or she provides. Where the information isn't correct, this makes it much easier for a buyer to pursue a claim. A very interesting provision is that there is the potential for a duped buyer to apply for treble damages for a violation, and, not only treble damages, but attorney's fees. As many of you know, in most litigations each side bears their own attorney's fees, which frequently acts as an inhibiting factor to bringing a lawsuit. So that on the collector's side there is the ability to seek redress in the sale of photographs. The flip-side is that dealers, including auction houses, really have to improve their observance of the requirements of the statute. I do not believe that these provisions are as observed as they could be. If the edition size, for example, is not *known*, then that information should be specified.

I think that the photography trade should address two issues: 1) First, the trade should agree upon a uniform definition of 'vintage.' That word is commonly used, but everyone has a different definition. Frequently, the definition depends on who the artist is. It would seem to me that, whether it's arbitrary or not, if some kind of definition – even categories – of vintage were created, that would be very helpful to the field. 2) Second is the issue of photographic negatives. The existence of negatives after photographs have been printed permits the possibility of re-creating prints and hence, fraudulent practices. The question arises: should there be some kind of policy or practice, that, for example, a photographer puts an 'X' on the negative, even if he doesn't *destroy* the negative, but does something with the negative so that it cannot be used to reproduce *further* editions of the work. Then you wouldn't have a situation where someone could walk off with thousands of negatives in an estate.

Lastly, these issues are not just related to important artists like Man Ray or Lewis Hine. For example, the August issue of *Maine Antique Digest* has an article headlined "Copies of Old Native-American Photos Flood the Market," which describes an apparent scheme to produce photographs that were supposedly of Native Americans dating from 1911 to 1922. This is a problem that is obviously not going to go away. I think that all buyers need to demand more information, and I believe that the dealer community needs to be pro-active in researching and providing more information because in doing so, they will be helping to elevate and protect the photography field.

"The [photography] trade should agree upon a uniform definition of 'vintage'."

MATERIALS ANALYSIS OF PHOTOGRAPHIC PAPER

PAUL MESSIER*

PAUL MESSIER
IFAR Evening, September 21, 2004

"[I was] asked a very simple question: could the prints have been made before Hine's death in 1940?"

I'm a conservator of photographs and works on paper in a private practice in Boston. I am very grateful to IFAR and Sharon Flescher for providing this rare and valuable forum in which I hope to do three things:
1) Review the Lewis Hine situation from the vantage point of materials and authenticity. That is the past.
2) Discuss the some of my current work that that was generated by the Hine project. That is the present.
3) Talk about the future – needs in the field, and individual catalogue raisonné and authenticity issues as they pertain to 20th century photographs.

In 1999, Michael Mattis, a photography collector and client of mine, approached me with a problem. And, by way of disclaimer, let me interject that this discussion concerns only the initial group of prints that Michael Mattis submitted to me, and add that he has given me explicit permission to use these illustrations. Mattis and others had been hearing rumors about a number of Lewis Hine prints on the market. The prints had a similar look and feel. They are also on similar paper. In fact, part of the story was that they were *supposed* to look the same. They were supposed to have been printed during the two last years of Hine's life – 1938-40 – as a tribute to Hine, which explains why iconic images like *Russian Steelworkers* (Fig. 1) from 1908 looked very similar to an image of *Lunchtime New York* with a negative date of 1910, and also similar to *Riveters (On the Empire State Building)* (Fig. 2), whose negative dates from 1933.

Michael Mattis and Andrew Smith, a dealer in New Mexico, sent me thirteen prints, and asked a very simple question: could the prints have been made before Hine's death in 1940? Though a simple question, I was not prepared to provide an answer. As a conservator, it was something that I should have known. But, and we've touched on this many times already in this panel, there was no authoritative resource to consult. What I needed was a reference collection of photographic papers covering the past 100 years. That collection did not exist, and I found that I had very few tools to help date this group of prints.

A fundamental part of the problem is that the materials and techniques for making a paper-based, black and white photograph have not changed much in the past 100 years. A darkroom from 1909 is essentially the same as one from the 1950's to the present. If you dropped a photographer from 1900 into a contemporary darkroom – which are becoming increasingly rare these days as silver halide photography becomes a memory – that photographer could start making prints almost right away. The photographer from 1900 would find some unfamil-

* Paul Messier is a conservator of photographs and works on paper; adjunct faculty, graduate art conservation program, State University College at Buffalo; founder, Electronic Media Specialty Group of the American Institute for Conservation. He heads a Boston-based private practice serving museums, archives, libraries and individual clients.

iar devices, but the essential elements: the paper, developer, stop fix, have remained virtually the same over the past 100 years. Another example of this constancy is Velox paper. Velox is a late 19th century brand name for photographic paper that Kodak maintained until the mid-1980s or so.

So, for the group of questioned Hine prints, there weren't a lot of apparent clues in the paper. Nothing about the prints announced themselves: "Made in 1980," or "Made in 1920." There were qualitative differences, concerning the look and feel of the prints. But Michael Mattis is a physicist; he wasn't going to accept qualitative. The analysis had to be empirically based – we needed material evidence, material analysis. So I had a problem. No one that I was aware of had developed a methodology to prove empirically that a given print dated from a specific point in the 20th century based on an analysis of the materials.

MANUFACTURER LOGOS

Very early in our investigation we got a break. About a third of the sample group had the identical one-word "Agfa" logo on the back of the print (Fig. 3). Agfa, of course, is one of the largest photography companies in the world. I sent a scan of the logo to Agfa, and within a day or two received a response saying essentially, "This logo has to be after 1957." This conclusion was based on the fact that prior to that date, Agfa had always used a two-word logo, such as "Agfa-Brovira." Thus, we knew that for about a third of the questioned Hine prints there were problems. It was a good start but it wasn't enough, because of the personalities involved, and because of the potential magnitude of the problem. We wanted comprehensive proof that applied to all of the photographs in the group. So we went on.

OPTICAL BRIGHTENING AGENTS

The next anomaly that we encountered was the presence of optical brightening agents in many of the suspect prints. Optical brightening agents (OBAs) are a class of dyes. They are ubiquitous today – in photocopy paper, laundry detergent, anything

FIGURE 1. Lewis Hine, *Russian Steelworkers*, negative date of 1908. One of the questioned photograph prints submitted to Paul Messier for testing in 1999. Photo: Courtesy P. Messier and M. Mattis.

FIGURE 2. Lewis Hine, *Riveters (On the Empire State Building)*, negative date of 1933. One of the questioned photograph prints submitted to Paul Messier for testing in 1999. Photo: Courtesy P. Messier and M. Mattis.

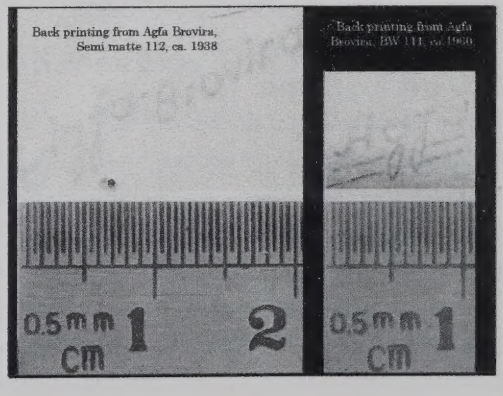


FIGURE 3. Two types of Agfa photography paper logos. On the left, an "Agfa-Brovira" logo from 1938. On the right, an "Agfa" logo from c.1960. Photo: Courtesy P. Messier.

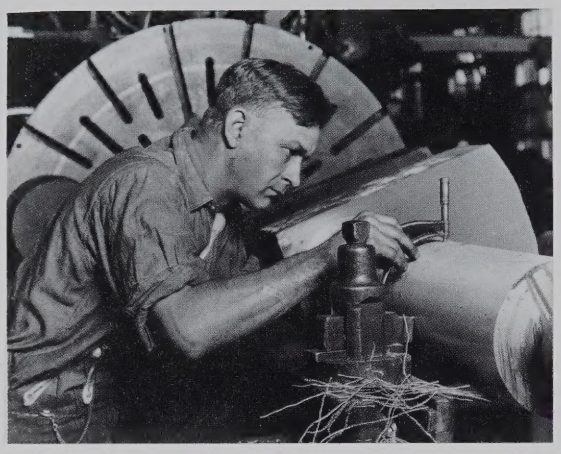


FIGURE 4. Lewis Hine authentic print. *Men at Work. Man & Micrometer, skilled mechanic in machine shop*, 1920. Gelatin silver print, 19.3 x 24.3 cm. Photo: Courtesy P. Messier and the Andrew Smith Gallery, Santa Fe. This photo: Coll. George Eastman House.

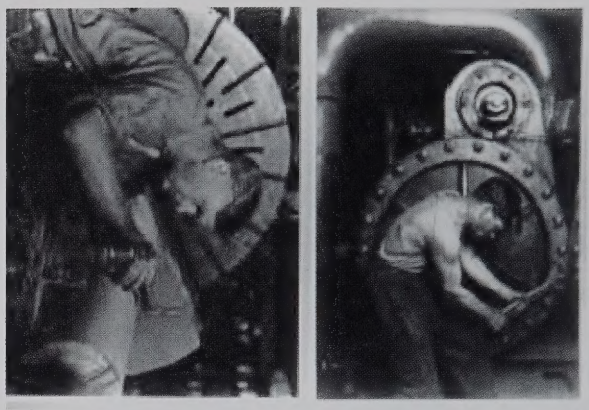


FIGURE 5. Juxtaposition of Lewis Hine photo of unquestioned provenance on left with a print of suspect origins – *Powerhouse Mechanic*, on right, both shown under near ultra-violet radiation. Photo: Courtesy P. Messier, M. Mattis and the Andrew Smith Gallery, Santa Fe.

that needs to look white and bright. This class of dyes absorbs ultraviolet radiation which we cannot see and emits a visible blue-white light which we can. Because of the fluorescence of these dyes, the highlights of a print can look especially bright in certain lighting situations.

An easy test for the presence of optical brightening agents is to take a print into a darkened room and examine it with a black light which, as a conservator, I'm bound to call a near ultra-violet radiation source. When exposed to the U.V., optical brightening agents will emit a distinctive blue/white glow and, if present in high enough concentrations, can practically light up the room like the new moon.

Lewis Hine prints of unquestioned provenance do not have optical brightening agents. With the help of Valerie Baas, a conservator at The Detroit Institute of Arts, we began a research project to determine when brighteners came into use in photographic paper. We couldn't find OBAs in older Lewis Hine prints (Fig. 4), and we started getting very strong indications that it wasn't until the late 1950s that this class of dyes began to be used in photographic papers. Figure 5 juxtaposes of one of the questioned prints and a Hine print of more certain provenance photographed using ultra-violet radiation. Many of the suspect prints had the characteristic blue/white glow as compared to the print of known provenance, which had an almost olive green cast under U.V. The optical brightening agents were present in about two-thirds of the sample group. With our new knowledge of Agfa markings and optical brightening agents, we were getting closer to drawing a dire conclusion about this group of photographs.

"A Lewis Hine print of the 1920s would most likely show cotton and flax fiber . . . A print of the 1930s/1940s . . . would have softwood bleached sulfite fiber. But what we found in our suspect prints were some short, spiky, fibers indicating a specific type of pulp known as hardwood kraft."

PAPER FIBER ANALYSIS

It occurred to me that we should also look at the paper base more carefully. I was put in touch with Walter Rantanen, of Integrated Paper Services, one of the world's top forensic specialists in paper

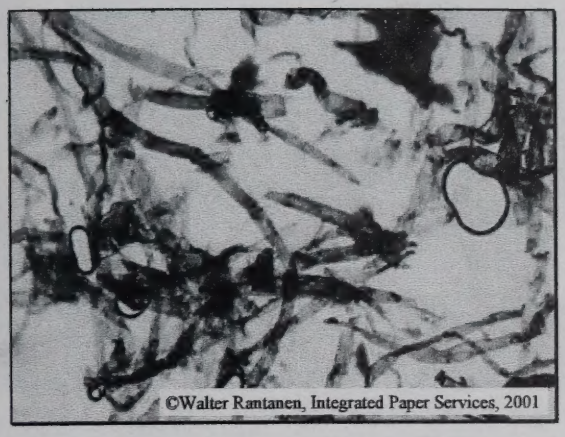


FIGURE 6. 100% softwood bleached sulfite paper fiber was dominant for use in photographic paper between roughly 1930-1960. This fiber is would have been used in the papers available to Lewis Hine in the 1930s. Photo: Courtesy Walter J. Rantanen, Integrated Paper Services Inc., Appleton, WI.

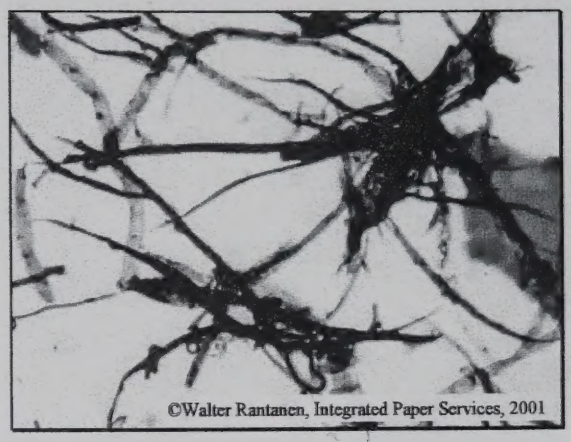


FIGURE 7. Fiber analysis of suspect Lewis Hine print showing hardwood kraft papermaking fiber. Photo: Courtesy Walter J. Rantanen, Integrated Paper Services Inc, Appleton, WI.

fiber science. I sent samples of the Hine prints to Walter, who analyzed them, and compared them to his private collection of photographic papers. Working with Walter, we learned that the paper base of photographic prints evolved significantly over the past 100 years and that this evolution could be used to date prints of unknown origin. Walter began seeing problems in our prints. A Lewis Hine print of the 1920s would most likely show cotton and flax fiber, the dominant fiber mix of the 19th and early 20th century. A Lewis Hine print of the 1930s/1940s, indeed any photograph of the 1930s/1940s, would have softwood bleached sulfite fiber (Fig. 6). But what we found in our suspect prints were some short, spiky, fibers indicating a specific type of pulp known as hardwood kraft (Fig. 7). For much of the 20th century, hardwood pulps were considered inferior because they have short fibers and require a lot of processing to make high quality paper. At this stage of our research we have not found hardwood kraft fiber in any photographic paper until the late 1950s.

So three completely independent variables all pointed in the same direction:

- The Agfa logo was present in about a third of the sample group;
- Optical brightening agents were found in about two-thirds of the sample group;
- The presence of hardwood kraft fiber was detected in about two-thirds of the sample group. There was a lot of overlap between these groups. Many prints had two of these anachronisms, and some had all three.

With this information, I wrote a report for Michael Mattis outlining why the prints in question could not have been made prior to 1940. So, sadly, these tremendously appealing prints – like *Powerhouse Mechanic*, whose negative dates to 1920 (Fig. 8), could not have been made during Hine's lifetime. As Peter Stern indicated, Michael was not bound by a confidentiality agreement and chose to release this information. It was soon picked up by the press, triggering what is widely considered to be the largest authenticity scandal in the fine art photography market.

"Lewis Hine prints of unquestioned provenance do not have optical brightening agents. . . [But] the optical brightening agents were present in about two-thirds of the sample group."

LESSONS LEARNED

What did we learn from the Hine study? We increased our understanding of the material history of photographic paper, adding some critical tools: logos for Agfa; start dates for optical brightening agents; and we learned a lot about papermaking fibers. Of course, much still needs to be done. Since the Hine case – and my active involvement in this matter ended by spring 1999 – the rate of progress has been increasing. In particular, fellows of the Mellon Advanced Residency Program administered

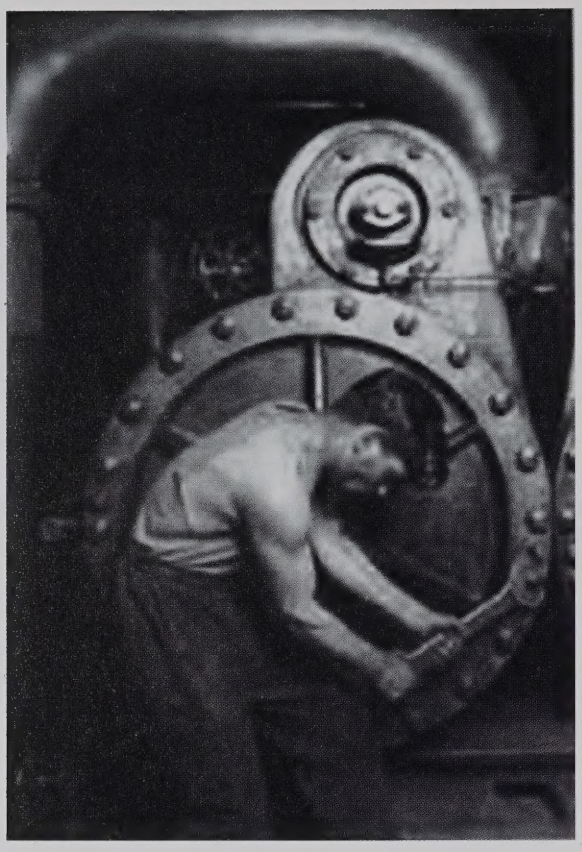


FIGURE 8. Tests showed that this print of Lewis Hine's *Powerhouse Mechanic* (negative dates to 1920), owned by Michael Mattis, could not have been printed before 1940. Photo: Courtesy P. Messier and M. Mattis.

jointly by the George Eastman House and the Image Permanence Institute in Rochester have contributed some significant tools to help characterize photographic paper, and their research is ongoing.

I, too, have been active in this field and would like to focus on three projects that I have been most heavily involved with to demonstrate progress made since the Hine controversy:

- The creation of a photograph paper reference collection;
- Establishing a definitive timeline for the use of optical brightening agents;
- Use of quantitative XRF for measuring levels of barium and strontium in the baryta layers of photographic papers.

The creation of a sample collection of photographic paper is a personal obsession of mine, but there is tremendous precedent for this work in the field of

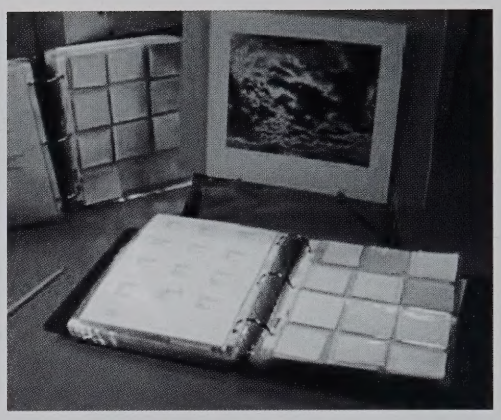


FIGURE 9. Some of the 2,200 samples of photograph paper in the reference collection of Paul Messier. Photo: Courtesy P. Messier.

conservation. Among the greatest of such collections is that assembled by Edward Forbes, Director of the Fogg Art Museum, Harvard University, who founded the Department of Technical Studies in 1928. This was the first department dedicated to the scientific analysis of artists' materials in an American museum. Forbes realized that characterizing artists' materials not only helps solve mysteries of chronology and attribution, but significantly enhances our understanding of a given artist's work while also providing crucial preservation insights. Forbes started by collecting artists' pigments, waxes, and resins and by cataloguing and classifying this material using scientific means. The conservation department of the Fogg and many other museums still rely heavily on this collection. This same need recognized by Forbes exists for the study of 20th-century photography.

My own reference collection of photographic paper currently contains about 2,200 papers collected either in their original envelopes and boxes (Fig. 9) or in manufacturer sample books. At this point, I think

"The creation of a sample collection of photographic paper is a personal obsession of mine. . . . My collection . . . currently contains about 2,200 papers."

FIGURE 10. A late 1950s Ansco sample book discussing the presence of optical brightening agents. Photo: Courtesy P. Messier.

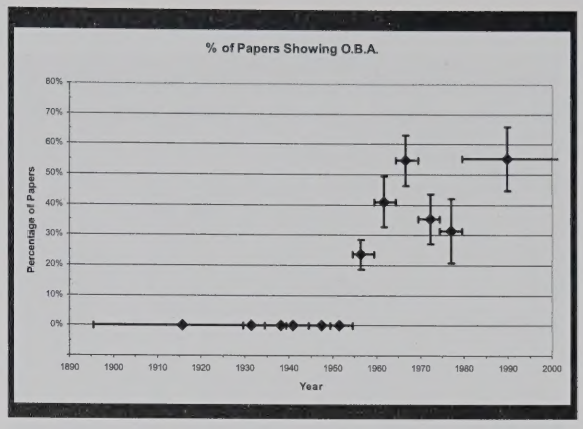


FIGURE 11. Chart tabulating results of studies for the presence of optical brightening agents in 2,200 papers in Paul Messier's reference collection. Photo: Courtesy P. Messier.

the collection is a good representation of 20th century photographic paper. All other potential merits aside, it is interesting to see the development of the packaging, logos and other graphics over the years. The collection includes many papers from companies that no longer exist or stopped making photographic paper at some point along the way such as Haloid (which became the Xerox Corporation) and DuPont Defender. All of the papers in the collection are identified, including information on manufacturer, brand, date and finish. I am assessing other characteristics such as fluorescence (checking on the presence of optical brighteners) and paper thickness. The point of this work is to create a baseline for future studies in the field of photograph conservation, as well providing an aid for photograph authenticity studies and catalogue raisonné projects.

Regarding optical brightening agents, we gained much anecdotal information from the Lewis Hine investigation, but we didn't discover anything solid or statistically significant that established a start date for brighteners nor did we have a sense of how prevalent the use of brighteners was in photographic papers over the years. Either those records didn't exist at the manufacturers or they were simply not accessible. Lacking this concrete evidence, my staff and I began in 2002 to systematically assess all the approximately 2,200 papers in the collection for the presence of optical brighteners. One thing we discovered along the way was that we could not process brightened and non-brightened papers together. We quickly learned that brighteners can migrate when wet and can contaminate non-brightened papers.

We also learned a lot from sample books. For example, a rare and interesting Ansco book from the late 1950s (Fig. 10), reads: "Jet's super sensitive fluorescent brightening agent converts invisible ultra-violet rays into visible super bright light." Manufacturers don't talk much about brighteners. This sample book is one of the only references that I found where a manufacturer actually acknowledges the use of optical brightening agents.

Using data from the paper collection, we came up with a chart (Fig.11) tabulating the survey results for approximately 2,200 randomly gathered photographic papers, all identified by manufacturer, date, and brand. The chart shows the incidence of brighteners charted over time. There is a flat line at 0% occurrences until the period ending in 1955. In the period 1955-60 there is a sudden jump, with approximately 25% of the papers tested showing optical brightening agents. The peak periods for brightener use occurred in the late 1960s and after the 1980s when close to 60% of all papers contained optical brighteners. Based on this fairly large sample group of randomly selected papers, I would ague that these findings are authoritative when it comes to establishing a start date for brighteners and for the extent of use of these materials over the past 50

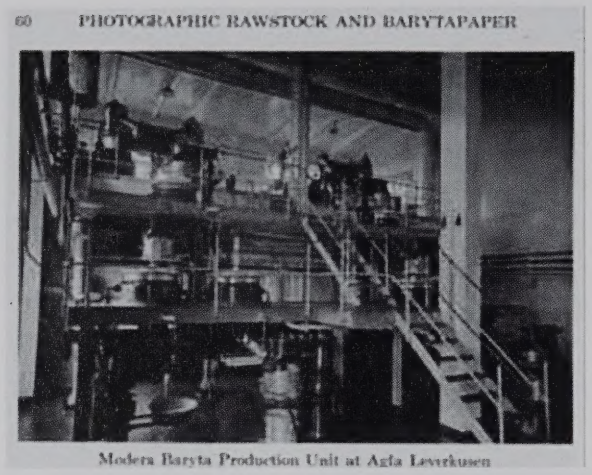


FIGURE 12. Kettles for processing baryta from the Baryta Production Unit at Agfa ca.1930 illustrated in *Memoirs of a Photochemist*, Fritz Wentzel, American Museum of Photography, 1960. Photo: Courtesy P. Messier.

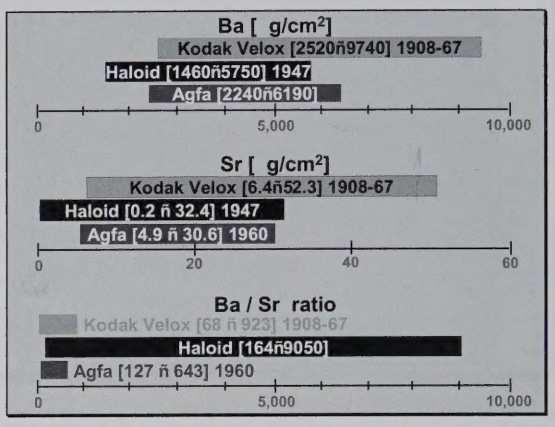


FIGURE 13. Diagram showing comparative levels of barium and strontium in sample photographic papers in Paul Messier's reference collection. Photo: Courtesy D. Stulik, Getty Conservation Institute.

years. This study is a good example of the usefulness of the reference collection, as we no longer have to rely solely on accumulated anecdotal evidence.

The final project I would like to highlight is a study that I am working on with Dusan Stulik of the Getty Conservation Institute. We are examining the baryta layer of photographs using x-ray fluorescence spectroscopy or simply XRF. The baryta layer is an interlayer between the gelatin emulsion and the paper base. It is a bright white layer composed mostly of the white pigment barium sulfate. The surface finish of a paper is largely the result of manipulating the baryta. The baryta layer can be impressed with textures and patterns that differ by manufacturer. In large part the final image tone is dependent on pigments and dyes that are put into the baryta layer. The dyes are not just optical brighteners, but other dyes and pigments that give a paper a warm or cool image tone.

As I said, the main component of baryta is barium sulfate, which comes from refining the mineral barite. Once mined and refined, barium sulfite is traditionally mixed with gelatin in kettles (Fig. 12), applied to paper, smoothed with a series of brushes, then is pressed and dried. When barite is mined and then refined into barium sulfate, the primary elemental component is barium, but it turns out that the element strontium also comes along for the ride, sort of as a benign contaminant. Using quantitative XRF we can measure the levels of barium and strontium and calculate the ratios of these elements. At this point in our investigation, these measurements seem to be a significant attribute and may provide clues into the origin of photographic paper. For example, if we detect through this process (Fig. 13) a barium/strontium ratio of over 1000:1, then, compared to the other samples shown on the chart, it has to be a Haloid paper. This technique shows a great deal of promise. I have prepared close to 1,000 paper samples for analysis by Dr. Stulik's team at the Getty, and we will see how this technique develops once data on this first large sample are gathered and analyzed.

CONCLUSION

What is the future when it comes to the technical analysis of photographic papers? As I have tried point out, there is a lot of good analytical work being done right now. We are making a good start. I am particularly hopeful that some of my colleagues in collecting institutions will think more seriously about research into papers to enhance and expand catalogue raisonné studies on a photographer's working methods. As I have tried to point out in this presentation, we conservators and conservation scientists are beginning to develop some tools to make some meaningful contributions to this type of work.

I believe this work matters because papers matter. They matter for photographers and they matter for anyone with an interest in 20th century photography. A quote from Edward Weston:

Velour Black...is so much superior to the paper I had been using, that I changed without hesitation. The blacks are richer, the white clearer, and despite the fact that it has more contrast, the shadows actually have more detail. In other words this paper has a longer scale or range from black to white. Also the surface quality is more beautiful. The prints I have been making are a joy,—almost as though I were printing from new negatives, over 75 new ones!
[Edward Weston, *Daybooks*, January 27, 1932]

So for Weston it is clear that paper mattered and, of course the same could be said for Modotti, Stieglitz, Steichen, Lange and Adams and for any photographer really. For us, the print is our tether to the point of artistic creation, so of course the paper matters, not only from the standpoint of preservation, but for what a paper can reveal about a photographer's working method and expressive intentions. Needless to say, systematic studies of photographic paper also can provide a great deal of information when it comes to authenticity studies. Given the scale and impact of the Lewis Hine scandal, developing methods to authenticate photographs remains a pressing need.

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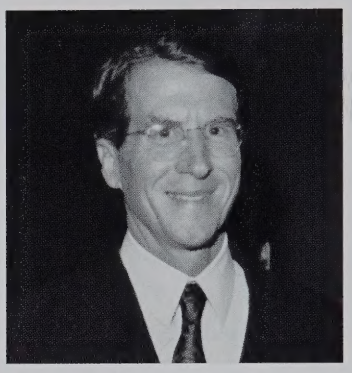
A PHOTOGRAPHY DEALER'S PERSPECTIVE

PETER MACGILL*



PETER MACGILL
IFAR Evening, September 21, 2004

I am a photography dealer, and I love my job. I regularly meet collectors and experts and get to work with wonderful pictures on an ongoing basis. Paul Messier talked about the authoritative, which is so very important in this field but, until recently, we have had to function without the benefit of Paul's work. In the past, we relied upon provenance, a very important aspect of what we are talking about tonight, and on our relationships with the artists with whom we have had the privilege of working. In addition, we relied on the museums who have systematically collected important photographs over time to provide accurate information with their acquisition records and files of correspondence. Pre-Paul Messier, we tried very hard to identify works of art correctly, and I believe we managed to get some of it right.

I would like to share with you research my gallery did on three pictures. One example demonstrates how issues of connoisseurship affect the importance of a photograph and its value in the marketplace. The other two examples show how specific and straightforward research clearly identified what it was we were looking at.

PAUL STRAND

I began in the photography field in 1973 as an intern at LIGHT Gallery (where I met Richard Menschel). At that time, the most sought after object in our field was a Paul Strand photograph (which was only rumored to exist) titled, *Wall Street.* It belonged to Fred Grayson, the son of Harold Greengard, Strand's childhood friend. It was from Harold Greengard's office window that Strand supposedly envisioned the picture he later made and titled, *Wall Street.* After I left LIGHT Gallery, I worked at the Center for Creative Photography, in Tucson. The director of LIGHT Gallery, Harold Jones, later became the Director of the Center for Creative Photography. After working at the center, I moved back to New York and, in 1977, secured another job at LIGHT Gallery. As I got into my Volkswagon convertible to return East to work, Jones said: "Make sure you get *Wall Street.*" Soon thereafter, I decided that the only way I could convince the very difficult Fred Grayson to lend us his picture was to create an exhibition of other early exhibition prints by Strand and let him know that the exhibition just would not be complete without his photograph.

Our plan worked, and we mounted an exhibition of Strand's early photographs at Pace/MacGill Gallery in 1985 (Fig. 1). All of the photographs in the exhibition were platinum or satista prints, tipped onto

* Peter MacGill is President, Pace/MacGill Gallery, 32 East 57th Street, New York, NY.

vellum and signed crisply, in the lower right corner of the vellum, in pencil. A pattern was emerging that we thought could teach us something. This consistent presentation probably signified that these very prints were Strand's original exhibition prints.

The print originally owned by Fred Grayson (and now owned by The Canadian Center for Architecture) (Fig. 2) is tipped onto the vellum mount and signed lower right. It has a rich, orangeish color resulting from mercury toning. Examination of the signature and date lower right (Fig. 3) suggests that Strand created a little bit of his own history by apparently back-dating the picture from 1916 to 1915. This presumably gave him a competitive edge, date-wise, with some of the things Charles Sheeler was doing. The Grayson print was the first photograph to sell for more than $100,000. As a matter of fact, we sold it for $170,000 in 1985.

The Philadelphia Museum of Art has another print made from the same enlarged (approximately 9" x 13") negative. It is a *beautiful* print, but we presume that it is not mercury toned. It is not tipped onto vellum, and it is not signed. In the marketplace, this print would have a radically different value than the Grayson print (Fig. 4 compares the two prints), which was chosen by Strand, at some point very early on, to represent his original creative efforts from that negative.

Another print of *Wall Street*, in the Philadelphia Museum of Art's collection, on gelatin silver paper, was made by Strand in the 1960s. We believe it is from the original enlarged glass plate negative. It is also signed and dated on the back in ink. This picture would probably have less than half the value of the other unsigned platinum print.

Issues such as the original exhibition frame, provenance, signature and presentation affect the value of a picture in the marketplace. We were lucky to have access to a number of museums and historians to help us find the Strand pictures and also discover that there was probably a link between the signed, mounted, large format prints that Strand made early in the century. With this

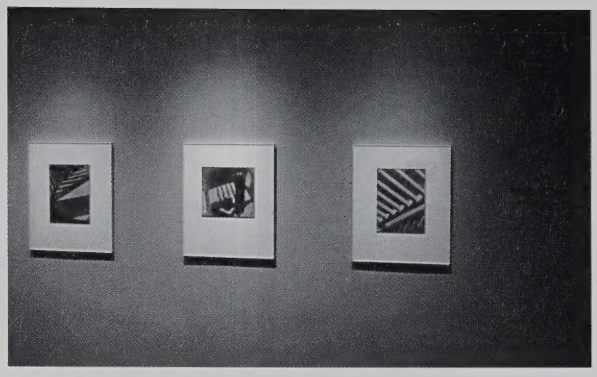


FIGURE 1. Installation of vintage Paul Strand prints, Pace/MacGill Gallery, 1985. Each print is approx. 9" x 13".

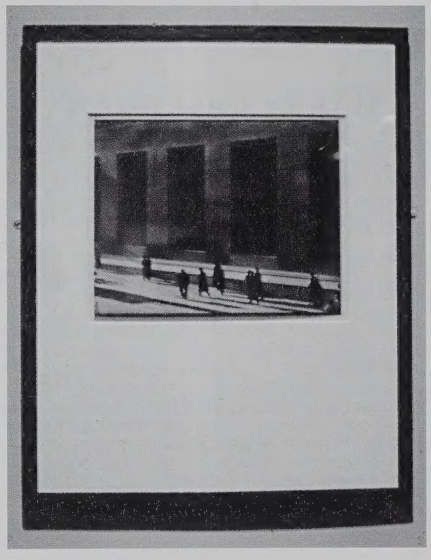


FIGURE 2. Paul Strand, *Wall Street, New York*, 1915. Mercury toned, platinum print, in original exhibition frame. Coll. Canadian Center for Architecture. © 1971, Aperture Foundation Inc., Paul Strand Archive.

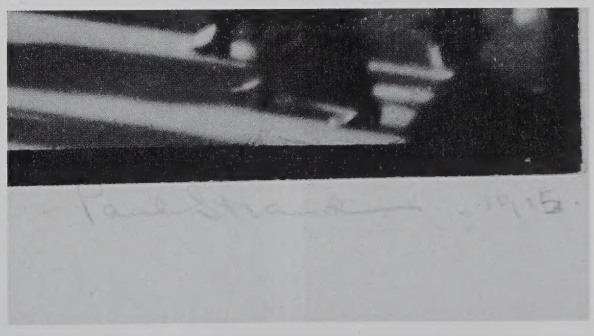


FIGURE 3. Paul Strand, *Wall Street, New York*, 1915. Detail showing Strand's signature and date, possibly back-dated. Coll. Canadian Center for Architecture. © 1971, Aperture Foundation Inc., Paul Strand Archive.

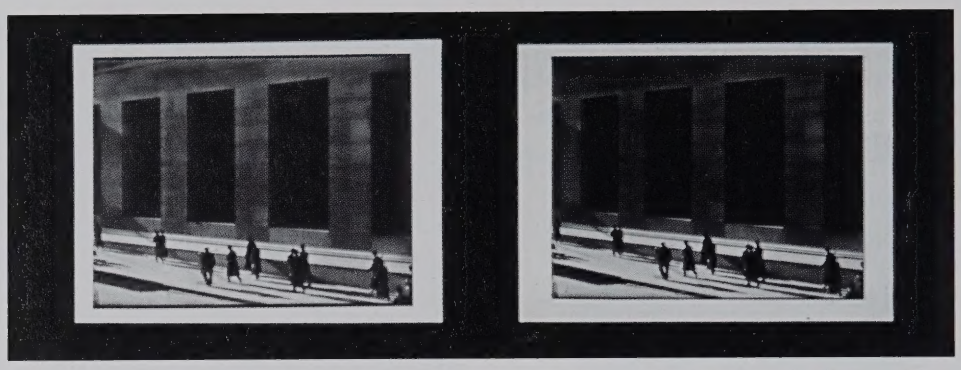


FIGURE 4. Paul Strand, *Wall Street, New York.* 1915. Comparison of the Grayson print (left) and the Philadelphia Museum of Art print (right). Note the difference in tonalities.

information we could determine that these prints comprised the exhibition that Alfred Stieglitz organized of Strand's work at 291 in March 1916.

HARRY CALLAHAN

In 1946, Harry Callahan made a wonderful and important image, *Chicago.* It is minimal, abstract and non-perspectival. It is unusual to find these features combined in a single work of art, especially in a photograph, especially in 1946. Think of what Ansel Adams, one of Callahan's mentors, was doing at the time. Compare and contrast *Chicago* with Ansel's *Clearing Winter Storm; Moonrise, Hernandez*; or *Winter Sunrise.* Harry was striking out in his own creative direction, not ignoring the work of the people around him, but exhibiting his own creative genius from the get-go.

Chicago was a well-known image, reproduced in a 1964 monograph on Callahan published by the El Mochuelo Gallery and also in John Szarkowski's 1976 monograph[1] written at the time of the Callahan retrospective exhibition in the Museum of Modern Art. When an esteemed colleague claimed to have a triptych (Fig. 5) incorporating these two pictures of *Chicago* and another picture in between, I said, "Balderdash!" Harry was a very, very close friend of mine, and I had the privilege of working with him for almost 30 years. Based on my experience, I was sure that *Chicago* didn't exist as a triptych. When we opened up the frames, though, we found in Harry's handwriting, in the upper left hand corner of the back of one photograph, the notation: "Harry N. Callahan. Number 1"(Fig. 6) On the back of another, "Number 2," and the back of the third, "Number 3 in a series of three." The Museum of Modern Art loan label says: "loan direct from the photographer, 47-732 A, B, C." So, examination told us that Harry Callahan had indeed made *Chicago* as a triptych. My point here is to suggest that it is very important for a collector to ask the person dispensing information to provide evidence to back up what it is he is saying. I am an expert in Callahan's work and I was dead wrong. In

[1] See El Mochuelo Gallery, *Photographs: Harry Callahan.* Santa Barbara, CA, 1964, and *Harry Callahan, Callahan,* ed. John Szarkowski, Museum of Modern Art, New York, 1976.

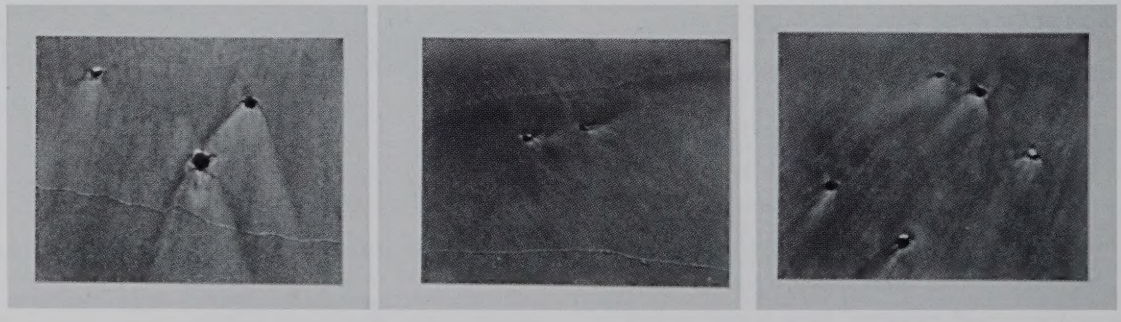


FIGURE 5. Harry Callahan, *Chicago*, triptych, 1946. Coll. Metropolitan Museum of Art.
Copyright: The Estate of Harry Callahan, Courtesy Pace/MacGill Gallery, New York

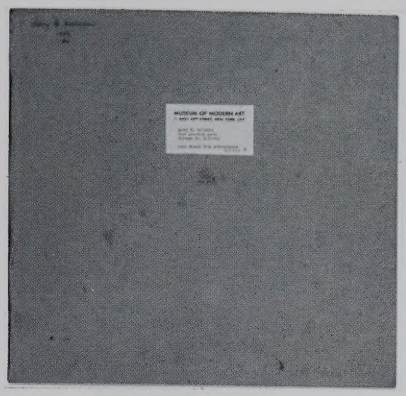


FIGURE 6. Verso of Harry Callahan, *Chicago*, 1946. Signed by Harry Callahan and identified as #1 verso. Museum of Modern Art loan label also identifies picture as being #1 in a series of 3.

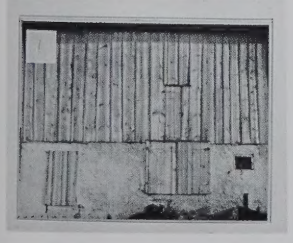
FIGURE 7. Charles Sheeler, *Bucks County Barn*, 1915. Brought to Pace/MacGill Gallery.

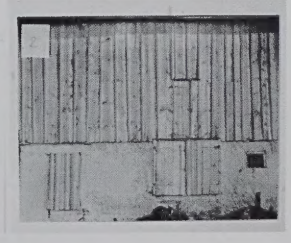
this case, Harry's handwriting on the back of the pictures proved to us that our knowledge of the *Chicago* pictures was incorrect, that he had, indeed, made a triptych with the work which is now, by the way, in the Metropolitan Museum of Art's collection.

CHARLES SHEELER

A friend of mine, a pre-eminent curator of paintings, sent a friend of his to the gallery with a Charles Sheeler photograph, *Bucks County Barn* (Fig. 7). It had a script signature lower left, but the photograph's tonality appeared wrong at the outset of our examination – it was a little contrasty and dark in some areas. However, there was also slight oxidation in the dark areas, which is always a good sign for a picture of this age. I took the print to the Museum of Modern Art, which has a large and wonderful Sheeler collection. I compared it with three other prints from the negative in MoMA's collection. The first (Fig. 8a), a vintage print made around 1920. The second (Fig. 8b), a print from the 1940s. The third (Fig. 9b), a print from the 1950s. There was a similarity in tonalities and feel between the 1940s print and the one brought to me (Fig. 9a), although the color of the prints was different.

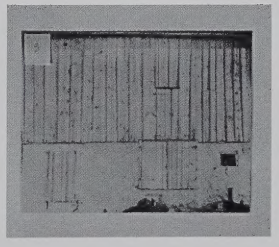
Close examination of the prints showed that three of the prints (those from 1920, 1940s and ours – Figs. 10a-b and Fig. 11a) had, in the upper right hand corner, a distinct pattern of dust which was on the negative at the time the print was made. The picture from the 1950s did not have these spots (Fig. 11b). Similarly, there was a pattern of dust spots on the barn's fence in the 1920s print, the 1940s print and the one from the gallery, although there were fewer spots on the earliest print. There were no spots at all on the 1950s print. Thus, there was a relationship formed between the three earliest pictures, but a more specific relationship between ours and the one





FIGURES 8a. (above left) Charles Sheeler, *Bucks County Barn*, printed pre-1920. Coll. Museum of Modern Art.

FIGURE 8b. (above right) Charles Sheeler, *Bucks County Barn*, printed 1940s. Coll. Museum of Modern Art.



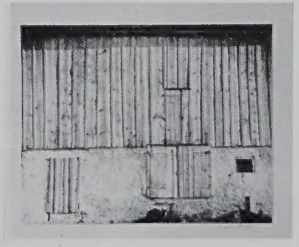


FIGURE 9a. (above left) Charles Sheeler, *Bucks County Barn*, which was brought to Pace/MacGill Gallery.

FIGURE 9b. (above right) Charles Sheeler, *Bucks County Barn*, printed 1950s. Coll. Museum of Modern Art.

FIGURES 10a–b. Details of vintage 1920s (left) and 1940s (right) Charles Sheeler, *Bucks County Barn*, showing distinct pattern of dust, upper right, which was on the negative at the time the prints were made.

FIGURE 11a. (above left) Detail of *Bucks County Barn*, which was brought to Pace/MacGill Gallery, showing same distinct pattern of dust as Figures 10a and b.

FIGURE 11b. (above right) Detail of 1950s *Bucks County Barn*, which does not show the dust spots seen in Figures 10a and b, and 11a.

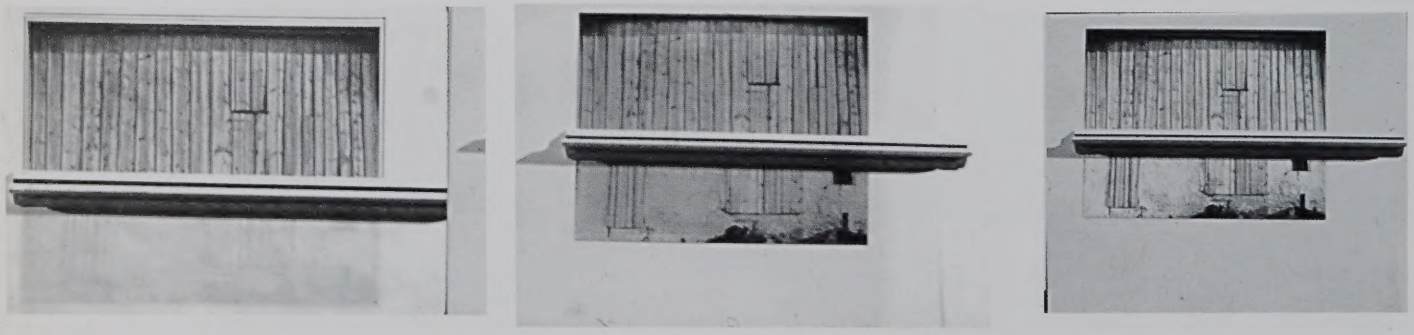


FIGURE 12a. (above left) The distance between the two batons in the 1920s vintage print of Charles Sheeler, *Bucks County Barn*, measured 9."

FIGURES 12b AND 12c. The distance between the two batons in the 1940s print (above center) and ours (above right) measures 9⅛" long.

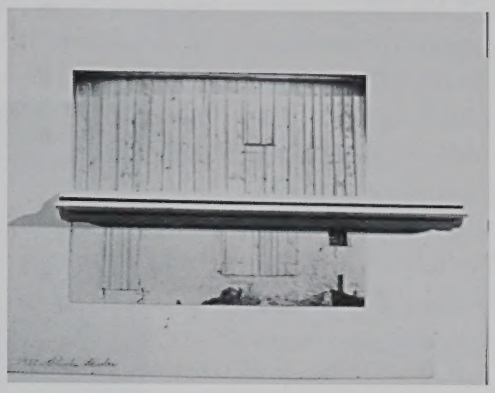


FIGURE 13. The distance between the two batons in the 1950s print measures 8 7/8".

at MoMA dating from the 1940s, which was evidenced by the amount and specific patterns of the spotting.

We also carefully measured each of the pictures between the same two batons. The distance between the two batons in the 1920s print measured 9" (Fig. 12a); the distance in the 1940s print and ours measured 9 1/8" (Figs. 12b and c); and the distance in the 1950s print measured 8 7/8" (Fig. 13). The measurements provided evidence of another relationship between the pictures, or lack thereof. The earliest and latest prints were of different sizes, and the print made in the 1940s matched ours perfectly in size.

Careful examination of the prints, their tones, sizes and patterns of dust and spotting provided clear and conclusive evidence that two of the prints were linked. The back of the 1940s picture at MoMA further solved the mystery of why the tones of the print had initially left the wrong impression. The back identifies the print as a copy print made by Ira Martin in 1941 (Fig. 14). Edward Steichen had commissioned Martin to copy important pictures in the museum's collection. In Steichen's handwriting is the comment: "Not very good."

This was an enlightening exercise. A work that could have been a wonderful, valuable picture by Sheeler turned out to be one from an edition of two copy prints made by Ira Martin in 1941.

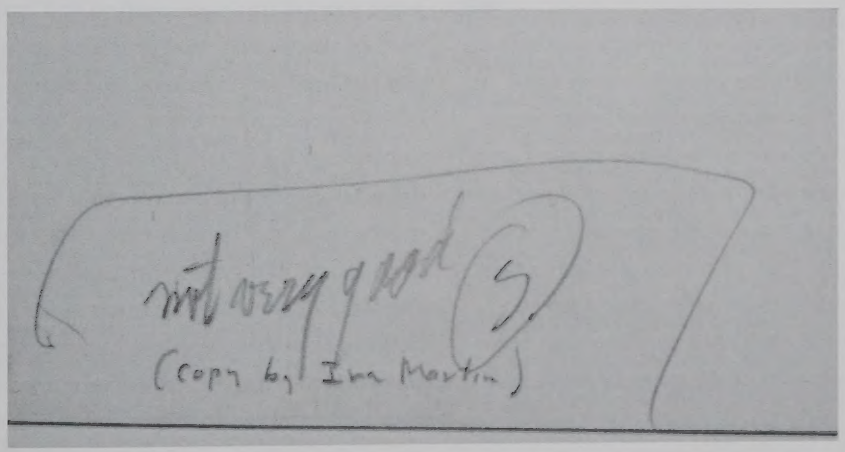


FIGURE 14. Verso of the Museum of Modern Art's 1940s print identifying it as a copy made by Ira Martin in 1941, with a comment in Steichen's hand, "Not very good, S."

A COLLECTOR'S VIEW

RICHARD L. MENSCHEL*

RICHARD L. MENSCHEL
IFAR Evening, September 21, 2004

I started collecting photographs in October 1969 at Lee Witkin's gallery. At that time one was not particularly concerned with authenticity. No print sold for more than a thousand dollars, that I recall, and that includes Edward Weston, Walker Evans, and Paul Outerbridge. It was a completely different world because of the subsequent change in the prices of photography. Another change is that when I started collecting, you could have listed only about fifteen photographers. You didn't have to have a lot of breadth. You could focus on a relatively small number of photographers who, by the way, were in their 60s, 70s, 80s, and 90s – Ansel Adams, Bill Brandt, Imogen Cunningham, Berenice Abbott, and so on. So a great change has taken place.

In the late 1960s, there was one photography dealer in New York: Lee Witkin. He started in early 1969. In Boston there was a photography dealer by the name of Carl Siembab. They were the only two dealers who specialized in photography in those cities. Now there are hundreds of dealers who either specialize, or offer work in photography. This, of course, has led to two things: the discovery of more artists and a greater opportunity for *fraud*. Even conscientious and honest dealers can make a lot of mistakes because they are dealing with so much more and varied work. I looked up the meaning of "authenticity." I didn't know what it meant in the full sense of the word. I'm using it to refer not only to the photographer, but also to when a photograph was printed, the paper that was used, who might have printed it, or who didn't print it, and so on. There are a lot of things that one has to know, wants to know. The question is: How do you get the answers? How do you reduce your mistakes?

To a great extent, we're talking about non-contemporary photographers. For contemporary photographers, you can usually get answers. Fewer mistakes are made. Someone like Peter MacGill obviously knows the artists he represents. It's when you get into 19th century and early or mid-20th century works that problems arise, where you can't get easy answers. One example of the complexity of the problem, even with a *living* photographer, is William Eggleston. Eggleston did a series of color pictures that were exhibited, in New York, at The Museum of Modern Art in the early 1970s. In subsequent years more editions of the same images were printed, and it has been difficult to determine when any particular photograph was printed. Phillips, the auction house, in a recent catalog attempted to help collectors determine when one of these photographs was printed, but a collector is still left with uncertainty.

* Richard Menschel is a Senior Director at Goldman Sachs, and a photograph collector.

As Peter MacGill illustrated, there's a good deal of difference in value between prints of different dates. As a collector, the principal person I look to is the dealer. A dealer who specializes – whether it be in Callahan, Siskind, Frank, or whoever – is going to know much more about the subject, so if you want to find something out, you must go to a specialist in that work. Ask questions. Evaluate how the dealer responds. Everybody tries to answer, but you'll get different answers. Look at the answers with a critical eye. The same thing is true with an auction house. They'll try to answer your questions, and you can also get conservation reports. Judge how the answers sound to your ear. Collecting requires more than a little connoisseurship. It's not only the photograph *itself*, but what you hear about it, how the person responds to you. You look to the dealer for that. The longer term reputation of the dealer is very important. Dealers who tell you what they *don't* know are also invaluable. Dealers who will give you an answer as to where something came from – its provenance, and what conservation work was done to "improve" the photograph are important. You won't have to give Paul Messier a call. A good dealer will know that. You, yourself, also have to understand and be able to "look" at a photograph. My wife Ronay has an eagle eye. She can find the slightest thing wrong. You want to look at things in a critical way.

Finally, if something seems too good to be true, it usually *is* too good to be true. Lewis Hine is an example. At first there were a few Hine prints around, and they looked terrific. But five or seven years *later*, when you kept seeing the large number of Hine prints on the market, anyone who was alert would have known that something was wrong somewhere. So, if something is too good to be true, it *is* too good to be true!

Curators are a source. You can give them a call: not everyone can; not every curator is available, but curators like to show what they know and are often willing to assist. It might mean calling the International Center of Photography, the Met, MoMA, or The Philadelphia Museum of Art; there are a lot of good archives around. The same is true of libraries. The George Eastman House has one of the great, if not *the* greatest photographic library in the world. Rachel Stuhlman, the curator, would be glad to answer questions, or, you can visit there. Regarding conservators – Paul Messier showed you how important a conservator can be.

But when it's all said and done, it's up to you, as the collector. It's not the dealer. It's not the curator. *You* have to know, after having done your homework. Although there are not many catalogues raisonnés around, a lot of work has been done on the history of photography and photographers. If you ask just about *anyone* who was active in the 1960s and1970s, there are *many* more good books today on photographers. They may not satisfy the high standard of a catalogue raisonné, but there is a *lot* of good research you can do. Try to collect in depth, rather than breadth. Learn everything about a narrower amount, rather than a little bit about a lot. That is a way to get started: know where the archives are; know whom you can trust; know to go to other collectors. There's a lot you can do.

Finally, if something seems too good to be true, it usually *is* too good to be true. Lewis Hine is an example.

Finally, I think AIPAD (Association of International Photography Art Dealers), the trade organization of photo dealers, has to establish standards. They haven't done it! They have to do it! They have to believe in vetting. *That* would be a great advancement, and, hopefully, it will be done because, without it, you have uncertainty. Scholarship and criticism are other areas that can be improved, and that's something that individual collectors should try to support. I have had to condense my thoughts into a few minutes. Photography is a great field. There has been more wisdom from others on the panel tonight than I have heard in a long time. Now we are ready to answer questions.

AUTHENTICITY ISSUES IN PHOTOGRAPHY
Q & A

Q TO PETER STERN: You said that you believed that about 200 of the Hine photos were actually later prints by Walter Rosenblum. Do you know how many were returned, how many of these were kept, and whether there is an archive? In other words, what has happened to these prints? How are they being kept off the market?

A PETER STERN (PS): I expressed an opinion about the number sold, not including the works that I believe were dealt with by the auction houses, or the ones that were sold to individuals directly. I do know the exact number of photographs that were returned, but I cannot comment on that. As to what is happening to these works, that is a very good question. My objective was not to protect the marketplace; it was to reimburse people for their photographs. I hope they won't appear on the market again. If they do, I would imagine that people would be more careful than they were this time, but I don't know what will happen if we find them.

Q SHARON FLESCHER (SF): Could the panel give a definition of the word 'vintage' as it applies to photography?

A KATE WARE (KW): It is a question that collectors, and certainly beginning collectors, always ask. The subject is very confusing to people starting out. In the photography world, generally, a vintage print is one that is made at or around the same time as the negative, so it's part of the photographer's original conception of the piece; the image and the printing are of a whole. Later prints made within the artist's lifetime are just considered 'later prints'; the artist makes them, possibly, with a different interpretation. Some photographers talk about the fact that they've become better printers over time, so they don't necessarily appreciate the market denoting their earliest examples as the most valuable.

Then there's a spectrum of work that's made under the artist's supervision. Many people are familiar with Edward Weston's photographs that his sons printed with him. They knew him well, and they were working closely under his supervision. Carrying that example further are the prints that they made *after* his death – posthumously. But because the sons had worked directly with Weston, and because they were, themselves, such accomplished photographers, these prints are still held in very high esteem. Sometimes prints are made later by people who weren't as familiar with the artist's work, and those are generally less valuable. So there's a range, but ultimately you have to look at the picture. Do you like the image? Is the print good? Is the quality of the print important to you and, if not, are you paying a premium for it?

DENISE BETHEL (DB): Peter Stern's and Sharon Flescher's request for a clear-cut definition of 'vintage' is a valid request, but I doubt that we will ever be able to arrive at a definition. The longer I'm in this field, the more complex that particular issue becomes. At Sotheby's we *loosely* define a vintage

print as something made within, to be generous, a decade of the negative. That *first* decade of the negative's existence. If the negative is, let's say, 1925, and you have a print made in 1930, we would probably consider that a vintage print, or an early print.

But as Kate Ware mentioned, different people printed from Edward Weston's negatives *much* later. If we had a Weston negative from 1925, and his son, Brett, printed from it in 1952, we would definitely consider that a later print. That might be an easy way to approach it. But, as we get further along in the connoisseurship of this field, we will no longer be looking at a 5 to 10 year range. We might be thinking of a two year range, and we might narrow that down. . . to perhaps a *purist* definition of what constitutes a vintage print, which is 'what kind of paper was the photographer using, and when, and what do we know about his, or her, printing methods, and what, perhaps, can Paul Messier tell us about the paper that may not be visible to the naked eye?'

We *cover* ourselves in the "conditions of sale" in the Sotheby's catalogues by saying that we cannot undertake scientific testing for most prints we sell because it's not a quick process. Our conclusion about what represents the printing date from the negative is based on our knowledge of the history of the print, its provenance, and our assessment of the visual characteristics of the print *as best we can determine them.* There's not a collector, dealer, or auction house expert that hasn't been fooled, not fooled deliberately, but fooled simply by not having the resources with which to make a judgment.

The definition of 'vintage' depends on the photographer. There are situations where, without provenance, without history, and without any conclusion from Paul Messier, we simply will never know! Many buyers want exact answers. We do the best we can, but in some cases, there may never be an exact answer. I suspect that as this field goes on, we will learn more, and we will have more tools: we have the black light now, which we didn't have 5 years ago. But the theoretical or abstract definition of vintage that people want may not, in fact, ever be a reality.

KW: Context is important too. The waters are very muddy, but a 1930 print that was made for exhibition purposes, which may be recognized by the fact that it's mounted and signed and presented in a certain way, is vintage, but so is a copy print that was made for the artist sending out something for reproduction, which may have been printed to compensate for the fact that it would be translated into print and look very different. You don't necessarily want to pay the same price for copy prints, and you don't necessarily want to define somebody's working methods on the basis of just one, or the other. As Denise said so eloquently, it's case-by-case.

STEPHEN MANFORD (SM): As a Man Ray research scholar, I find the concept of vintage is too vague. I like being absolutely transparent. I think that a better alternative to trying to define vintage is to date your negative, and then, wherever possible, be as specific as possible in dating your print. In the case of Man Ray, the best print is not always the *early* print. The trend now in dating Man Ray's prints is to divide them into his three working periods. The first includes prints before or up to 1940, which is the first Paris period. The California/Hollywood period is 1940 to '51, and a 'later print' generally means: 1951 to 1976.

PS: I respectfully disagree. I believe that 'vintage' should mean, and the *only* issue with vintage is, date. It's not what paper the photograph is printed on, or who printed it necessarily. Vintage relates to the *date* of the photograph. I like Steven's suggestion about dating the negative and the *approximate* date for the print. But to me the idea that vintage could mean 5 or 10 *years* makes it a useless word. Vintage should mean at, or around, the time the negative was created.

DB: I think that you would have a very hard time ascertaining that without having a letter from a photographer.

PS: That's right! Then I wouldn't use the word 'vintage'!

(continued on next page)

KW: That may be the *real* answer. Why do we need it? Because we're looking at it with a greater specificity.

DB: Perhaps just give the date of the negative.

PS: Or an approximate date. Grant an approximate date. You can just say that we *believe* it is 1935 to 1945, or approximately, or something like that.

DB: That's sort of what we do. . . *But* a lot of times the date is determined by what we *see,* not by what we can prove scientifically. *That,* I think, is the problem.

PAUL MESSIER (PM): I will defer from giving a definition. Vintage is a marketing term, an art historical term, and also a connoisseurship term, but it's not a conservation issue.

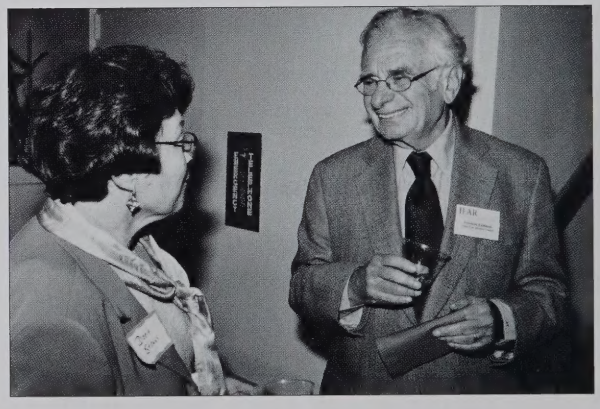
RICHARD MENSCHEL (RM): I suggest we have some vintage *wine.*

PETER MACGILL (PMG): But I have a comment. Isn't this a terrific field in that it takes a group of experts and the audience to understand the answers to simple questions? I think that ten years from the date of the negative [for vintage] is acceptable; five years is better.

SF: I suggest we ask additional questions over the vintage wine outside. I thank you all for joining us, and I thank our *wonderful* panel for a terrific program.

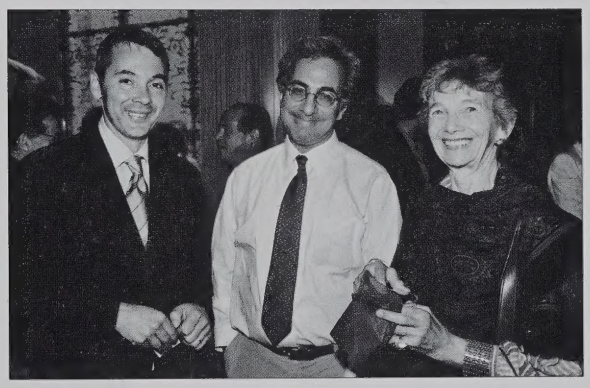
AN IFAR EVENING ON
AUTHENTICITY ISSUES IN PHOTOGRAPHY

Peter MacGill, Virginia Zabriskie, and Richard Menschel



Dorit Straus and Franklin Feldman

Malcolm Daniel and Charles Schwartz



Left to right: Paul Messier, Stephen R. Edidin, and Judith Mara Gutman

Ronay Menschel and Samuel Sachs II

Alan Paris and Mary Rozell

PHOTOS THESE TWO PAGES: STEVEN TUCKER

ART LOSS IN IRAQ

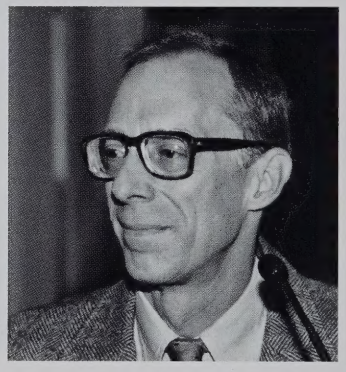
IFAR EVENING, OCTOBER 28, 2004

EDITOR'S NOTE:

The following two articles are edited transcripts of an IFAR Evening held at the Institute of Fine Arts on October 28, 2004. The subject – Art Loss in Iraq – is one to which IFAR has devoted considerable attention since the looting of the Iraq Museum in April 2003. This includes a special double-issue of the IFAR Journal (Vol. 6, nos. 3 & 4) and several subsequent Journal articles. IFAR was also the only non-governmental organization included in the U.S. delegation to the INTERPOL emergency conference on Iraq in May 2003.

AN OVERVIEW OF THE LOSSES

JOHN RUSSELL*



JOHN RUSSELL
IFAR Evening, September 21, 2004

My work in Iraq would have been impossible without the assistance of countless individuals and organizations. Maria Kouroupas and Bonnie Gardiner of the State Department Cultural Property Office nominated me to go to Iraq to spend a million dollar grant from the Packard Humanities Institute plus another million in appropriated U.S. funds, and supported me every step of the way. The members of the State Department museum assessment team (Bonnie Gardiner, Wilbur Faulk, Dave Gilson, Catherine Sease, and Michael Dula) and the Library of Congress library assessment team (Mary-Jane Deeb, Michael Albin, Alan Haley), contracting officer Ed Muller, security consultants Arthur and Laurie Kingsbury, and Professor Zainab Bahrani all risked their lives coming to Iraq to assist with our effort. Professor Elizabeth Stone provided extensive satellite imagery and site location information, and Elizabeth Hendrix of MIT gave critical assistance with conservation and a variety of support issues. My very sincere thanks to them and to everyone else who helped. Your belief in the importance of what we were doing was one of the things that kept me going. This talk is dedicated to our translator Nahla, one of the most wonderful people I've ever known, who was murdered while on duty, by cowards detonating a roadside bomb on January 8, 2004. In every way she exemplified the hope of the new Iraq. They tar-

* John Russell is Former Senior Advisor, Ministry of Culture, Coalition Provisional Authority, Iraq; an expert on Near Eastern antiquities; and Chair of the Critical Studies Department and Professor of Art History at Massachusetts College of Art.

geted our convoy. I went to Iraq not for culture, but to work with people like her to build a better Iraq.

My discussion will focus on three aspects of art loss in Iraq: Recoveries of objects from the Iraq Museum during the time I was there, primarily between September 2003 and June 2004; examples of site looting; and problems relating to the development and occupation of archaeological sites.

My job – first as Deputy Senior Advisor and then as Senior Advisor for Culture – was to serve as a liaison between the Coalition Provisional Authority and the Iraqi Ministry of Culture. Prior to my arrival in late September 2003, there was no Iraqi Minister of Culture, so initially the Senior Advisor for Culture for the Coalition was also the Minister of Culture. During this period, the ministers were Americans, Australians, British, and, in the case of Culture, the Italian diplomat Pietro Cordone. As the Iraqi ministers were appointed and confirmed in August/September 2003, they took over the responsibility for the running of the ministry, and the Senior Advisors became advisors, consultants, and liaisons. In my case, that meant applying $2 million in State Department-administered money to places where it seemed likely to do the most good. Most of my time was spent in the Iraq Museum working on construction projects such as supervising repairs and security. When I was first offered the position as Deputy Senior Advisor, I imagined I might be a sort of Czar for Culture (Fig. 1). It turned out that wasn't the case. Rather, it was one headache after another. But with a lot of help, we managed to accomplish a lot.

Regarding the looting of the Iraq Museum (Fig. 2), the number of stolen art objects fluctuated fairly dramatically in the initial reporting. You may also think that you have heard final numbers, but in fact we *still* don't know how many objects were stolen. The numbers that have been presented are, at best, estimates. There has not yet been a full inventory. When you hear numbers like "13,000 Stolen, 4,000 Returned," bear in mind that all of that is guesswork. Until there is an inventory, we simply won't know.

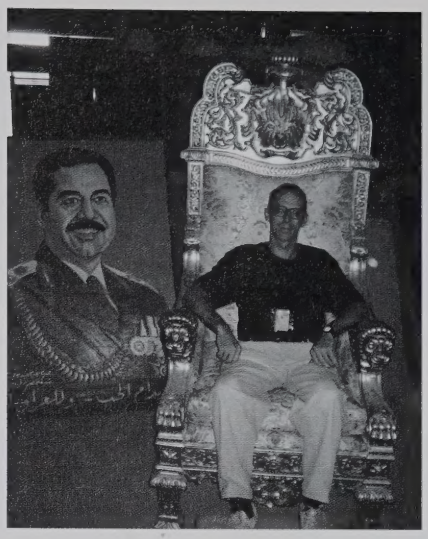


FIGURE 1. The author in his position as Czar for Culture.

FIGURE 2. The Iraq Museum in Baghdad. Photo: J. Russell.

FIGURE 3. The Sumerian Gallery, Iraq Museum, in May 2003, showing cabinets that had been emptied by museum staff prior to the looting. Photo: J. Russell.

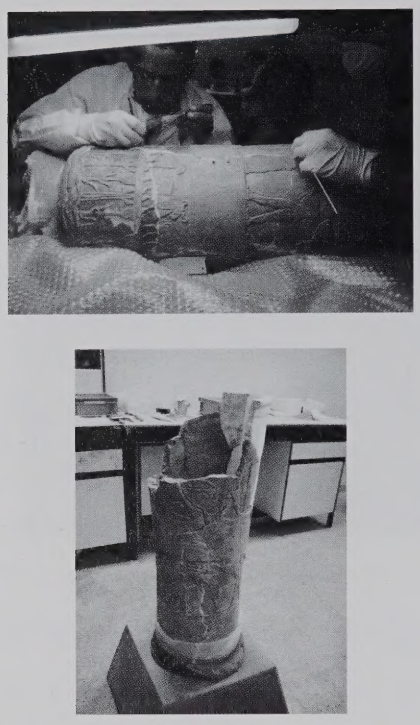


FIGURE 4. The Warka Vase, c.3000 B.C., recovered in June 2003. Above top: Italian conservators restoring the vase, March 2004. Above bottom: After restoration. Photo: J. Russell.

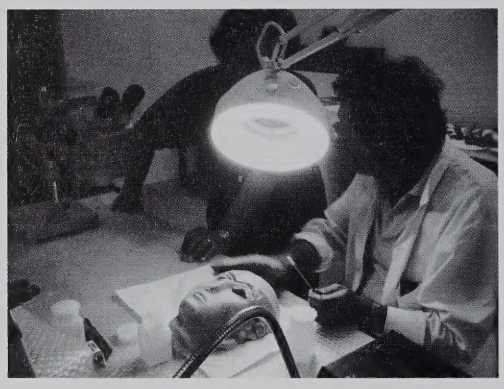


FIGURE 5. The Warka Mask, c.3000 BC, recovered in September 2003, shown undergoing conservation. Photo: J. Russell.

FIGURE 6. The Bassetki Statue, c.2300 B.C., recovered in November 2003, shown at left: wrapped and covered with axle grease; right: cleaned for display. Photo: J. Russell.

"Also through informants, the MP's recovered a remarkable c.2300 B.C. cast copper statue of a youth, preserved from the waist down, known as the Bassetki statue. . . . While waiting for a buyer, the thieves covered it with axle grease, ran a cable through the hole out the bottom, and suspended the statue in a cesspool. No one would have thought of looking there."

The first time I visited Iraq after the war was in May 2003 as part of the first outside assessment mission, sponsored by UNESCO. When I arrived in the Iraq Museum in May, the Sumerian Gallery had lots of empty cabinets (Fig. 3). But it turned out that the cabinets had been emptied before the looting started. The Iraq Museum employees had moved the more than 8,000 display pieces from the museum into secret storage. They are reportedly still safe. But anything that was left behind in the galleries – either because it was too big to move or was glued to its display – was liable to be broken off its display and taken out. Some objects came back immediately, others more slowly; many are still missing. The famous Harp from Ur was broken and needs restoration of the sound box and posts. It was on display with a replica gold bull's head. The real gold bull's head is safe in the vault of the Central Bank of Iraq.

The most famous object that was stolen was the Warka Vase (Fig. 4), a cult vase from the city of Uruk, about 3000 B.C. Its narrative – in four registers – is the first representation of a social hierarchy. The vase had been attached to its podium and so was left on display. Looters took it and broke it, but along old break lines. The vase came back in the trunk of a car in June 2003. The restoration, in a conservation lab set up by the Italians in the Iraq Museum,

involved cleaning and gluing it along the old break lines. I think it is now completely reassembled.

Because of the violence of the looting and the destruction to objects that were recovered, a good quality conservation lab was essential, but the museum's lab had been destroyed by the looters and the conservators in Iraq had not had the opportunity to upgrade their training for 20 years. So, the state of conservation was old-fashioned and the labs non-existent. I was working with an Italian group headed by Ambassador Mario Bondioli Osio, the Italian Senior Advisor for Culture appointed by the Coalition, who arrived at the same time I did. Our work was a collaborative effort between Italian and American cultural experts. The Italians undertook the construction of the conservation lab. They loaded a plane with conservation equipment and chemicals, took it to Baghdad, renovated a number of rooms and set up a conservation lab. They also found Italian conservators who were willing to risk their lives to come to Iraq to work in the lab, and they hired 14 Iraqi trainees to work with the professional conservators and learn about modern conservation. This was one of the bravest and most successful programs I encountered while in Iraq.

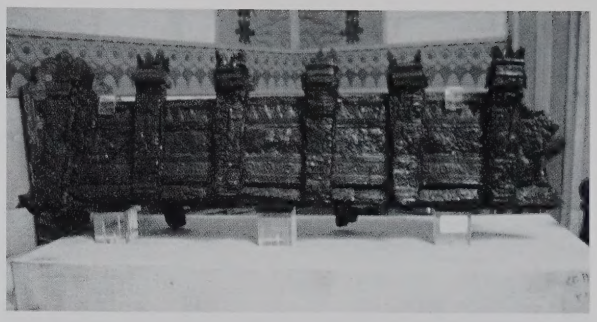


FIGURE 7. The Nimrud Brazier, c. 700 BC, bronze-clad wooden box, recovered in November 2003. Photo: J. Russell.

FIGURE 8. Recovered cylinder seals bearing Iraq Museum numbers. Photo: J. Russell.

The Warka Mask – the face of a woman from Warka – was also stolen during the looting in April 2003. The face was most likely part of a composite statue. It was recovered by the 812th MP Company working with Iraqi police, a local translator, and informants. In the course of conservation work after it was returned (Fig. 5), the conservator discovered flakes of blue pigment adhered to the area of the ear, which to my knowledge had never been observed before. In the groove of the eyebrow, he found translucent brown material, probably resin. So, the aftermath of the looting allowed the piece to be studied carefully, and it seems likely that what now looks like a pure white marble face was originally quite colorful.

Also through informants, the MP's recovered a remarkable c.2300 B.C. cast copper statue of a youth, preserved from the waist down, known as the Bassetki statue from its find-spot near Bassetki in northern Iraq (Fig. 6). He originally stood in the doorway of a palace, and the base of the statue is the base of a doorpost that he was holding. The museum staff hadn't moved it because it was too heavy, 350 pounds. Thieves smashed the side of its display case and bounced it down the museum's staircase, breaking all of the marble steps. While waiting for a buyer, the thieves covered it with axle grease, ran a cable through the hole out the bottom, and suspended the statue in a cesspool. No one would have thought of looking there. But through an informant, the MPs found it, fished it out of the pool in early November, and then the museum's chief conservator cleaned it for display.

That same day and I think with the same informants, in another location, the MP's recovered the Nimrud brazier (Fig. 7), a fire box about a meter (3 feet) square with four spoked wheels. Only one side is preserved, with bronze cladding in the image of a city wall. It once sat on the floor of the throne room of an Assyr-

FIGURE 9. Helicopter view of Tel-Shmed showing craters from the archaeological looting. Photo: Copyright Carabinieri T.P.C. Italia, courtesy J. Russell.

FIGURE 10. Helicopter view of Umma, showing craters from archaeological looting. Photo: Copyright Carabinieri T.P.C. Italia, courtesy J. Russell.

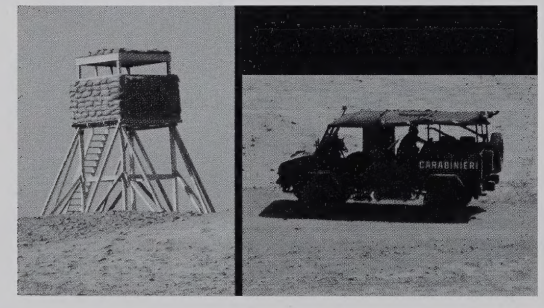


FIGURE 11. Watchtower and patrol car used by the Carabinieri to protect archaeological sites in southern Iraq. Photo: Copyright Carabinieri T.P.C. Italia, courtesy J. Russell.

ian palace, on a series of limestone slabs that were grooved to form a tramway. It could be rolled back and forth, from the middle of the room to the end. Inside it was a fire. So if the king was sitting by the door in the middle of the room, it was rolled to the door. If he was sitting on the throne at the end of the room, it was rolled there to warm his feet. But at the same time, he would see flames leaping up from behind the walls of an enemy's city, so it would warm his heart as well. Again, a unique piece.

One of the Italians we were working with was famous in local circles for his discretion. He had lived in Baghdad for many years working with the Italian Iraqi Archaeological Institute. Word got out that he would pay for stolen museum objects, no questions asked. So people who had objects from the museum brought them to him. He avoided looking at their faces, and gave them the amount of money that seemed appropriate. In so doing, he recovered 820 stolen objects – all small pieces: cylinder seals, beads, weights, figurines, plaques. All told, in the month of November 2003, about 1,000 pieces came back to the museum. (Many of the reports about recovered objects don't make the distinction between objects recovered from looted archaeological sites and those from the museum. The only way at present to be certain that a recovered object is from the museum is if it has a museum number on it.)

The category of objects that is cause for the greatest concern, I think, is the cylinder seals. The initial estimate was that under 5,000 were stolen, but a staff inventory discovered that the number was in the range of 5,200. This represented the entire cylinder seal collection acquired by the Iraq Museum prior to 1991. They should have Iraq Museum numbers on them, as recovered examples show (Fig. 8). Although several hundred have been recovered, there are still thousands of Iraq Museum cylinder seals floating around. Fortunately, they are all documented and photographed, and whether or not the numbers are still on them, when they do eventually surface, they will be easily identifiable as belonging to the Iraq Museum.

The three seals that Joseph Braude tried to smuggle into the U.S. still had Iraq Museum numbers [see story in News and Updates, this issue of *IFAR Journal*]. As far as I'm aware, his is the only prosecution so far on stolen objects from the Iraq Museum.

SITE LOOTING

The Italian Carabinieri, who were stationed in Dhi Qar, or Nasiriya province, the governorate in southern Iraq that includes the city of Ur and many of the other major Sumerian cities of the 3rd and 2nd millennia B.C., took aerial photographs of many looted archaeological sites. The looting actually started prior to the current war. In the mid-1990s, Saddam Hussein seems to have lost interest in the desert areas of southern Iraq, and a looting network that hadn't existed prior to that on any significant scale, got started. The second half of the '90s was a period of extensive looting primarily at remote Sumerian sites in southern Iraq. Smooth-surfaced archaeological mounds, or tells, which had little or no pitting prior to the mid '90s, were now marked by looters pits. Sumerian sites about which we know very little were heavily damaged by looters working for the antiquities market.

". . . The looting was bad before [2003], but the great majority of the damage has happened in the last year and a half; that is, under Coalition military control in Iraq. The Italians (Carabinieri) were the only Coalition partner willing to try to fight site looting."

By the late '90s, the UN eliminated the caps on the Oil for Food program and Saddam could sell all the oil he wanted. At that point he began putting money into the antiquities department again, and the department started to reclaim the sites and set up excavations. An excavation at Tel-Shmed (Fig. 9), for example, was conducted in 2000. The antiquities department reclaimed the site from looters and brought the looting problem, which had heavily damaged the site in the 1990s, somewhat under control.

The looting network remained, even though the looters weren't active, and when the Coalition forces crossed the border in March 2003, reports were that the looters went right back to work, having the head start of an existing distribution network and lots of willing labor. Based on aerial photos of these sites before and after 2003, the looting was bad before, but the great majority of the damage has happened in the last year and a half; that is, under Coalition military control in Iraq. The Italians (Carabinieri) were the only Coalition partner willing to try to fight site looting. They surveyed sites in Nasiriya province and then tried to enforce the law with some success. They found heavy cratering at a dozen or so major sites, including Zabalam, also in northern Nasiriya province, and at Umm al-Agarib, a major Sumerian site with a newly discovered Uruk temple. Bear in mind that their survey was largely confined to Nasiriya province, and does not document the heavy looting known to be occurring in other southern provinces.

Probably the most tragic site in terms of the violence of the destruction and the amount of material lost is Umma (Fig. 10). Tablets from Umma were coming out in huge numbers in the late 1990s, and many of them ended up in the United States. Umma was one of the most powerful city-states in the Early Dynastic period of the first half of the third millennium BC, and was one of the antagonists in the first recorded war in history, with the neighboring state of Lagash. The site at Umma was full of tablets, which have now been taken out of archaeological context, eliminating everything of value about them save for their literal content. Recent excavations exposed a large Neo-Sumerian period palace at Umma. That's about all that was able to be excavated because the site was so badly riddled. A lot of damage was done before 1990, but there has been incredible damage since then with huge numbers of artifacts coming out of the site. This means that anything we might want to know about Umma has been destroyed. All that we have are lots of orphaned tablets with no meaningful context and no possibility of reconstructing the people that created them. I've never seen anything worse than the damage at Umma.

FIGURE 12. Black Hawk helicopters were used to survey the looting situation in Qadissiya province. Photo: J. Russell.

FIGURE 13. Looters waving to a Black Hawk surveillance helicopter, January 2004. Photo: J. Russell.

The Carabinieri patrolled sites in vehicles, built watchtowers at some of the major sites, and hired guards, but their resources, like everyone's, were limited (Fig. 11). When their headquarters in Nasiriya were truck-bombed in November 2003, their efforts stopped for some time and did not resume until early 2004. The looters adapt their tactics to those of the Carabinieri. If the Carabinieri come in helicopters, the looters start working at night. If the Carabinieri come in patrol vehicles, the looters set up watchmen and guards. The looters have rocket-propelled grenades and heavy machine guns. The looters can afford such weapons because of the money they're getting from selling antiquities. In addition, there was reportedly a fatwa, a religious degree, that said it is okay to loot as long as the money is used to buy weapons to fight the Coalition. So, it is like the drug money of Iraq. It's the source of illegal cash that can be used to kill Coalition soldiers, to kill Americans, to kill 10 times as many Iraqis, who, of course, don't support their terrorism. It is a big problem. The Carabinieri arrested a number of looters until the looters got savvy to their ways. When jailed, the looters generally stay overnight until their relatives get them out.

In January 2004, a VIP visitor gave us the opportunity to leverage some Black Hawk helicopters (Fig. 12) to survey the looting situation in Qadissiya province, the area just north of Nasiriya. We saw heavy looting at Mashkan-Shapir, a site being investigated by an American team before 1991. But the biggest tragedy on that trip was the site of Isin (Fig. 13), a world power in its day. It gave its name to the Isin-Larsa period. Isin was not hit by looters before the mid-1990s, but since April 2003, hundreds of looters at a time would be working there, and the site has been destroyed. The looters worked in daylight and seemed happy to see us. They all waved at us. They weren't scared. I estimate there were about fifty looters, but there could have been a hundred because some of them were hiding. The humans in the photograph give a sense of the scale of the pits. As in Umma, the excavations in Isin are relatively systematic. Once they get down to the Sumerian level, which is where they find the tablets they want, the looters start tunneling horizontally. So, the site is more swiss-cheesed underground than it looks from the surface or from photos.

One of my big concerns was how to stop site looting when it is so well established. Moreover, the looting is handled through a network of mid- and high-level people, who provide the funding and logistical support, and low-level diggers, who, because southern Iraq is ripe for exploitation by greedy people, are paid almost nothing, but to them it is better than nothing. The diggers are not the real problem. The problem people are the ones with the vehicles who transfer the objects to Al Fajar, the major market for illegally excavated antiquities in southern Iraq. People drive in regularly from Jordan, across the border, or from Saudi Arabia, to take out the loot. Police seized a single shipment comprising some 3,000 objects near the end of my stay. The objects had all been packed and were ready for transportation. It was hard to tell whether that was a typical shipment, but Iraqis involved in law enforcement

"If the Carabinieri come in helicopters, the looters start working at night. If the Carabinieri come in patrol vehicles, the looters set up watchmen and guards. The looters have rocket-propelled grenades and heavy machine guns."

say that three thousand objects might go out three times a week in vehicles across the border.

We decided to set up archaeological police stations in a number of towns within patrolling distance of archaeological sites. The Ministry of Finance paid for 1,250 new guards. We also needed equipment because the looters were equipped with vehicles and heavy weapons. You can't send somebody out with an AK47 on foot, or they will join the looters, since it's too dangerous to do anything else.

The Japanese promised us half a million dollars worth of pick-up trucks, so that our guards could get to the sites. Tragically, the two representatives of the Japanese government with whom we were dealing were murdered by terrorists who attacked their car on their way to Tikrit in mid-November. The hopes of Japanese assistance for archaeological site protection died with them, at least for a while. That was a black day for us.

With money from the Packard Humanities Institute, we were able – after about seven months of trying – to get twenty trucks from Kuwait. They were ready to cross the Kuwaiti border into Iraq by April 1, when the insurgency flared more seriously. It took us another two months to get the trucks into Baghdad. These trucks are now being used by the new site guards in the southern provinces. They all have mobile radios, plus a number of hand-held radios, and the initial reports from the south are that these additional forces are having a big impact deterring the looters. So we think that we are on the way to solving the problem.

At the palace of the Assyrian King Sennacherib (704-681 BC) at Nineveh, there was a happy outcome to a site looting problem. The walls of Sennacherib's palace are lined with stone sculptured slabs. It had been excavated several times, most recently in the 1960s. At that time, the walls were restored and the surviving slabs re-erected against it, and a metal roof was placed over it to protect it from the elements, so that it could be visited as a site museum. One could stand in the throne room of Sennacherib, perhaps in the very spot from which he launched the campaign against Jerusalem. In June 1990, apparently days after I left for the last time – I had

FIGURE 14. Nineveh, roofless Sennacherib Palace, prior to restoration in February 2004. Photo: J. Russell.

FIGURE 15. Nineveh, Sennacherib Palace, an eight-foot-tall stone slab smashed by looters. Photo: J. Russell.

"The looting is handled is through a network of mid- and high-level people, who provide the funding, and low-level diggers who . . . are paid almost nothing . . . "

been excavating at Nineveh – someone stole the roof off of the place (Fig. 14). This was before the Gulf Crisis. The site was not guarded and someone stole the roof! Thus, all through the 1990s and early 2000s, the soft stone sculptures were exposed to the Mosul weather, where it rains a lot and freezes in winter, and they deteriorated dramatically.

But the World Monuments Fund and the Getty Conservation Institute gave a grant for $17,000 to put the roof back on. I traveled – foolishly, I was later told – by car to Mosul with $17,000 in $100 bills in my pocket, because the fastest (and often only) way that you can do reconstruction in Iraq is with American $100 bills. I could never get the U.S. State Department policy makers to understand that. I paid off the contractors, and a week later the roof was back on Sennacherib's Palace. Guards were hired to protect the building, which is now protected from the elements and looters.

Also during the mid-1990s, looters got inside Sennacherib's Palace (Fig. 15) and extracted fragments of sculpture – perhaps a head, a figure, a tree. They did this by smashing intact 8 x 8 foot slabs in order to remove a single bit of sculpture. I've seen more than a dozen examples on the art market, and, in one case, in a private collection. The Iraqis were able to recover that one, and it's now back in the museum. I have been awarded a substantial grant from the National Endowment for the Humanities (NEH) to take a team of conservators to go back to Mosul to document the sculptures at Nineveh and Nimrud and prepare a conservation plan, but the money is sitting in Washington waiting for security conditions in Iraq to improve.

"It was unbelievable. It was exactly in the area between Nebuchadnezzar's Palace and the Tower of Babel — the richest area of archaeological material — that the Coalition decided to put its military base."

DEVELOPMENT RISKS

Ancient Nineveh is inside the city limits of modern Mosul; the modern city that has grown up around and within the walls of Nineveh, which are still preserved. There is, however, a large, open area at the southern end of Nineveh that has not been settled yet. The Mosul Town Council has always wanted to connect the two parts of the city to either side; that is, to construct a road so that they do not have to drive the few extra yards around the bottom of the city, and, in doing so, to cut through what is, basically, virgin archaeological territory, including cutting through the Halzi Gate of the ancient city wall. That project was being talked about in the late 1980s. It is why I went to work at Nineveh then, to participate in excavations intended to show that this was an important archaeological area, that it shouldn't be developed. We succeeded, and the road project was killed. The plan resurfaced in 2004, when the Mosul Town Council doubtless thought it could take advantage of the Coalition's ignorance about Iraqi archaeological sites. I sent word to the Minister of Public Works in Baghdad, who was horrified that this was being considered and killed the project again. You have to be vigilant.

BABYLON

Certainly, the most famous archaeological site in Iraq, and perhaps the world, is Babylon. It is mentioned in the Bible more times than any other city except Jerusalem. One would not want to damage that site with an American military camp. Correct me if I'm wrong, but a site that is politically sensitive and historically important, you would think, would be treated with respect. But no. Not so, in fact.

It was the Coalition's practice to place its headquarters wherever Saddam had a nice palace. They pushed Saddam out and moved themselves in. My own office was in his biggest palace in Baghdad. In Babylon, Saddam's palace was on an artificial mound,

not archaeological soil, sited on the ancient bed of the Euphrates River. It overlooked Babylon, but it didn't actually destroy any archaeological material when it was constructed. The Coalition decided that they wanted that palace and also a major military base with more than 2,000 soldiers and an immense amount of support material. People complained about it, especially the Iraqis in charge of protecting the site there – but no one was listening to them. I got one complaint too many in April 2004 and went down in a helicopter to see what the damage was.

It was unbelievable. It was exactly in the area between Nebuchadnezzar's Palace and the Tower of Babel – the richest area of archaeological material – that the Coalition decided to put its military base, thinking: "Oh, we're not putting our trailers in the palace itself," and not realizing that everything here is archaeological material, that if it doesn't look like archaeology, it means that you should leave it alone because it hasn't been excavated yet. The military placed its trailers, containers, and tents right in the space between the ancient temples and the palace (Fig. 16). We don't know, at this point, how much they leveled. We know there was a lot of bulldozing, and every time you bulldoze at Babylon, cultural material is destroyed. A helipad, which had been a small parking lot, got extended to ten times its size. A trailer park was put next to the Hellenistic theater. The heavy trucks and the helicopters flying in and out created vibrations, which, we were told, were damaging the architecture.

KBR – the civilian logistical support unit for the military forces – didn't hesitate to use bulldozers wherever they felt like it. The base could have been placed on the uninteresting archaeological territory just outside the palace site - in the immense parking lot across the street. It was big enough to hold the whole base, but they preferred instead to put the intensive development on the archaeological remains, inside the site, perhaps to be near the palace. They bulldozed helipads directly into a substantial amount of archaeological remains. A defensive trench was dug between the foundation of the Tower of Babel and the processional way for the temples. You can't dig a trench between the Tower of Babel and the Temple of Ishtar and not plow through remains.

FIGURE 16. Coalition military trucks and trailers in between the restored palace (on the left) and the temples (on the right) of ancient Babylon. Photo: J. Russell.

I went to inspect the area with a group that included military people with no particular archaeological training. Everyone was horrified. They couldn't believe the Coalition had done this. They were afraid that word would get out. I was able to use that as leverage, arguing that if something were not done, the press would get hold of this and have a field day. I think the fear of press exposure was more effective than the exposure itself would have been. The end result was that, by the end of August, there was a military order to move the base off Babylon by January 2005. That is one of the great things that we accomplished.

Thus, the Babylon story has, I think, a happy ending. We don't know. It will take awhile to assess the damage, but the camp will move out. They will leave behind, I'm not sure what, among other things, thousands of sandbags filled with archaeological soil. I suppose that somebody will have to empty the bags and sift through that.

CONCLUSION

It would be great if people called their representatives and senators to point out that $2.25 million in Iraq reconstruction funds would be a pretty small drop of the $18.4 billion that hasn't been spent yet in Iraq. That money could make a big difference in the efforts to stop site looting in Iraq.

TRAINING IRAQIS FOR HERITAGE PRESERVATION

BONNIE BURNHAM*

BONNIE BURNHAM
IFAR Evening, Tuesday October 28, 2004

As President of the World Monuments Fund (WMF) and a former executive director of IFAR, it is a pleasure to address an IFAR audience after almost 20 years. I am not an expert in any way in the archaeological or architectural heritage of the Ancient Middle East. I am here to talk about what, as a private organization working on behalf of the public voice, we think we can do about the heartbreaking and devastating situation we are confronted with in Iraq. We have made the decision, however, that until we can guarantee a certain degree of security, we will not deploy outside experts in the field to work in Iraq. So everything we have done thus far has been to create a conceptual framework for the future. We have also begun to provide some training and some resources for the Iraqi State Board of Antiquities to get control of the situation. That is what I will be speaking about.

The WMF is a nonprofit based in the U.S. We concern ourselves exclusively with "immoveables," that is, monuments and archaeological sites – not in the context of research, but in the context of site management and protection of standing monuments and above-ground remains. We publish a list of endangered sites under the program of the World Monuments Watch, which WMF has been the steward of since 1996. Thus, we consider ourselves to be an advocate for the sites that are or have been on our Watch list as a means for gaining greater recognition and publicity for issues that confront monuments and sites everywhere. A number of sites in Iraq have factored into our lives through the Watch program. Above all, we consider ourselves to be the voice for the private sector to make their concerns known about a given situation. If the sites are under the purview of the Watch list, we consider ourselves to be their advocate for better preservation.

In this particular instance, and for the first time in the history of both organizations, we have joined forces with the Getty Trust. We have formed a joint program with the Getty Conservation Institute to coordinate our efforts in Iraq. We are both U.S.-based organizations, and we came together early in the process – even before the war began – in a mutual realization that a gesture on behalf of the American institutions working in the field was important to counterbalance the perception in the Middle East being conveyed by the threatened – and real – presence of the military intervention and its aftermath. Both institutions offer financial and technical resources, but our resources are somewhat different and complementary.

* Bonnie Burnham is President of the World Monuments Fund.

The WMF tends to specialize in field conservation work and hands-on mobilization of specialists to carry out conservation interventions, and also on fund-raising and advocacy to support these activities. Whereas the Getty, while it also mobilizes field projects, tends to do so in the context of research that is carried out in their laboratories, addressing problems that are confronting the field.

The Getty and WMF are trying to speak with one voice and at the same time to develop a program that addresses training, research, hands on intervention, fundraising, and advocacy for sites in Iraq. We have agreed on a general statement of purpose to frame our program: To provide and gather support for emergency assistance for the repair and protection of Iraq cultural heritage damaged or threatened by the war, its aftermath and future development.

From the beginning of the initiative, we sought the cooperation of the Iraqi State Board of Antiquities, even when it had no temporary authority under the Coalition government, always in coordination with the coalition government. We have now signed full partnership agreements with the Iraqi State Board of Antiquities.

We have also been very fortunate in having seed funds from a variety of sources. The J.M. Kaplan Fund came forward with the initial funding. They felt very strongly that as a foundation that had long been concerned with "Jewish Issues" and with Israel, they should counterbalance their expressed interest in the Middle East with something that would support the conservation and the protection of the heritage of the Arab world as it was being challenged, even if many of the sites we will be dealing with over the years are not necessarily Arabic sites. They wanted to send a signal to the Middle East that the military intervention is not necessarily something fully subscribed to by the whole of the American population. We were also able to obtain funds, early on, from the National Endowment for the Humanities to develop a database program that I'll be discussing below. UNESCO is supporting training courses that are taking place now in the field. And the Getty Trust itself is agreed to commit to match the funds that World Monuments Fund is able to raise. And so, we now have a base of support that we feel will allow us to sustain this program over several years.

The five areas that we have identified as being in need in the context of architectural and monumental conservation are:

- Public awareness – calling attention to the sites that have been damaged;
- Providing short term emergency assistance where possible;
- Providing tools and methodologies for cultural heritage management;
- Training Iraqis and building their capacity to take on the challenges in the future as a new administration begins to form. This is where the bulk of our program is focused today.
- Identifying field projects for future efforts.

We have been doing much in the area of advocacy to keep the public aware of what's going on in Iraq through our publication, *ICON*, as well as through our Website (www.wmf.org).

Our public awareness efforts have been focused on the sites that have been on the World Monuments Watch list. That includes three sites that were listed even before the conflict. The first is Nimrud, one of the ancient Assyrian capitals. The second is Nineveh (Fig. 1). It was John Russell who nominated both Nimrud and Nineveh to the World Monuments Watch list out of his concern, in the early 1990s, that monumental material – relief carving fragments – were turning up on the market in the West, indicating that already under the Saddam Hussein regime there was looting at these very important sites. The third site is Erbil, the citadel of which is a raised tell with intense habitation now. Unauthorized and uncontrolled building is taking place on the top of the citadel, compromising the archaeological remains. So these three sites are already under our stewardship, we feel, even if there's not very much that we can do about them today. Erbil is in the Kurdish zone of Iraq, and there have been several expressions of interest on the part of the Turks to help with conservation here. These

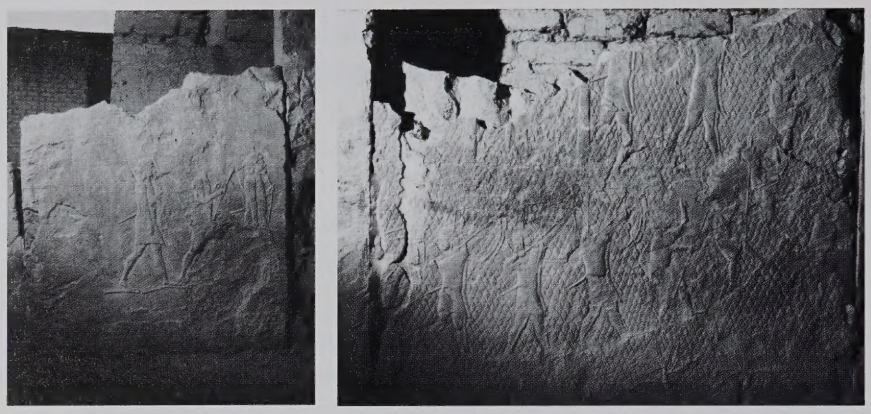


FIGURE 1. Two of the many orthostats – stone slabs – in Niniveh damaged by looters. Nineveh is a 2004 World-Monuments Watch site.

have been viewed with some skepticism by the Iraqi government in terms of the possible political motivations behind that gesture. We have to date offered no assistance to the Erbil conservation program, even though it is in a relatively safe and conflict free zone.

In terms of emergency assistance, we have begun to provide some limited resources. John Russell mentioned a small grant that we were able to give, co-financed by the World Monuments Fund, from our Kaplan Funds and from the Getty, to rebuild the roof system over the site of Nineveh and to protect it from the elements as well as from potential incursions by looters (Fig. 2). We have also provided a small grant to the American Association for Research in Iraq (Fig. 3), the University of Chicago's field program, to help them pay for short term security guards to protect sites around AFAK in Qadissiyah province and other ancient sites in the most immediate area. We thought long and hard about whether this support would be meaningful. First of all, only being able to address a very small area. Secondly, going outside the channel of official efforts to protect these archaeological sites, which is up, and to some degree, functioning under the Italian Carabinieri. We decided to make a gesture to the Association largely because they represented a long-term archaeological and institutional presence in Iraq with very important records that would be needed, eventually, by scholars to evaluate the conditions of the site in terms of what was known about it in the past. That grant was provided about six months ago, and the report from the institution is due now. We will find out whether this somewhat ad hoc support of security efforts has borne fruit. The more formal security efforts that are being organized are still very inadequate to the need to protect archaeological sites everywhere in the country.

The main emphasis of our program, until now, has been to develop a national inventory tool for cultural heritage management (Fig. 4). Iraq did not have a computerized inventory before the war, although they had about 10,000 records of monuments and sites in a manual inventory. We felt that one thing that could be done on an interim basis would be to help the Iraqi government simply get a handle on the information that they already have in their archives. But we are also implementing a system that has been tried in Jordan and that attempts to be pre-emptive in terms of anticipating catastrophes before they happen and also evaluating potential areas of seismic activity and other kinds of natural catastrophes that might affect both monuments and sites. The Jordanian database is the model for a new cultural heritage inventory that is being deployed in Iraq. The National Endowment for the Humanities has given us the seed funding for this. UNESCO is supporting the training of 17 Iraqi professionals working in the Department of Antiquities on this inventory project. John Russell told me that he didn't think there were 17 trained Iraqis in the Department of Antiquities, so he wondered who we were training. I'm afraid this gives some sense of how we are starting at ground zero, in terms of recreating a system that the Iraqis could eventually manage and that will underlie their decision-making process and their prioritization as they try to recover from this catastrophe.

The database that is being used in Jordan is called *JADIS*. Once all the archaeological information is

FIGURE 2. The new roof on the site of the Palace of Sennacherib at Nineveh, a project funded by the World Monuments Fund (WMF) and the Getty Conservation Institute.

recorded in JADIS, a map gives a portrait of the concentration of sites around the country. Many types of archaeological sites are at risk. It might be by construction work, by the placement of factories, by new exploration, or, of course, by looting. The great force of our efforts is going into developing this database, integrating the 10,000 records that existed before the war, asking other institutions in the West to provide information that will help Iraqis gain a complete record of their heritage, as it stood, and then annotating these records with new information about site conditions.

The looting in Iraq is extensive. It follows the Tigris and Euphrates base and affects the entire fertile crescent. This week, in Jordan, we are training the Iraqis in condition assessment onsite and in the ways to integrate the information into the database. That way, as soon as they can reach the endangered sites, they can do more than shake their heads and take pictures; they will be able to assess the prevailing conditions and figure out where to place their energies in the short term. One problem that they will be confronting is infrastructure development (Fig. 5). Even now, before hostilities are over, there is construction work going on without any reference being made to what might impact monuments and sites. This is because there isn't any record, other than what's visually available, that anyone can follow.

Training and capacity building is at the core of our program and something that the Getty is particularly interested in supporting over the long term. A goal is to integrate Iraqis, who are now receiving their first foreign field training, into more academic programs outside the country as soon as it is possible to do that. Another goal is to organize short-term courses for them within Iraq. Our first meeting was in Amman, Jordan in March, when our team got together with the highest officials of the Board of Antiquities. We have had two more field sessions since then: one in August, where the trainees learned about GIS, geographical positioning, and another meeting that's starting this fall, where they will actually begin to learn the principles of site assessment. No one was trained in conservation in Iraq during

FIGURE 3. The WMF provided funding to the American Association for Research to help secure the archaeological site above in Qadissiyah province.

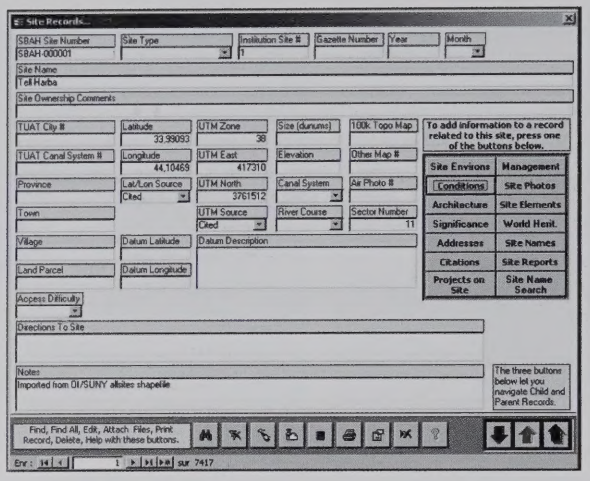


FIGURE 4. The GIS database – a National Inventory Tool for Iraq's cultural heritage.

the Saddam Hussein regime, and many of the better trained people left the country as they were able to do so. And while there are architects and engineers who can be trained, and these are the people we are focusing on, it will be a very long time before the Iraqis really have a qualified Department of Antiquities to manage their heritage. Therefore, this Getty assistance for capacity building is, I think, one of the key contributions we are going to be able to make.

The Iraqis have already begun to tell us about the priorities that they are identifying and had identified prior to this conflict. One of the key monuments that was damaged in the 1991 war was the Arch of Ctesiphon (Fig. 5), an extraordinary monument. It would be a monumental undertaking to conserve it, but as soon as possible, we will try at least to assess the conditions. It is a mud brick structure. The minaret at Mosul (Fig. 6), which has been leaning, apparently, for some time, is now in rather urgent need of treatment in order to avoid its collapse. These two key projects existed and needed expert assistance even before this war. Much of the urban heritage of Baghdad from the Ottoman period is at the top of the priority list, as these buildings have been looted and subjected to urban warfare. So these are probably the priorities that we will take up as we begin to work in the field.

UNESCO has also been active getting sites onto what's called a "tentative list" for World Heritage designation. This would afford the sites a higher level of priority in terms of international governmental funding. It would also help to focus the government's efforts on these sites, and to bring visitors at some uncertain time in the future. Each site will require a management plan. They are probably the best known of the Assyrian and early Islamic and Sumerian sites in the country. UNESCO has asked for assistance in the preparations of these plans, although everything is on hold for the moment that it is possible to access the sites physically.

In conclusion, I would like to underscore the principles of our involvement, namely:

- to base our efforts on priorities expressed to us by the country, rather than choosing our own priorities;
- to integrate Iraqis into every project;
- to try to address all of the needs – emergency, medium term, and long term, and,
- to stay with this program over a relatively long term until we can begin to see the results;
- to hold back on involvement of outside experts and even Iraqi professionals, until security conditions permit and focus on an interim basis in the creation of capacity among the people who will be responsible; and
- eventually, to hand over the program to Iraqi professionals for full scale management.

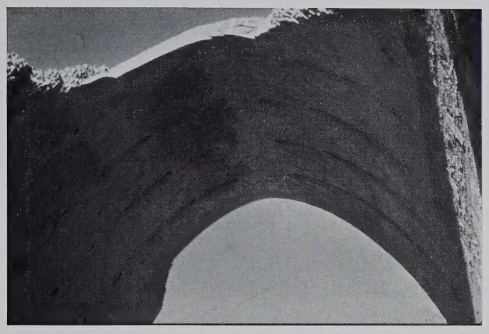


FIGURE 5. Priority WMF Project: Repairs to the Arch of Ctesiphon, the world's largest single span brick vault, which was damaged in the 1991 Gulf War.

FIGURE 6. Priority WMF Project: Repairs to the leaning minaret at Mosul, which is in danger of collapse.

We have learned something meaningful over the course of the year and a half that we have been developing this program; namely, how to develop a package of activities that involves documentation, training, and prioritization that we may be able to transfer, in the future, to other sites and to offer to other sites that are in need because of a catastrophe that has occurred. I would like to hope that a catastrophe of this nature – involving military intervention in a country that was utterly unprepared for the aftermath – will not occur again in my professional tenure.

(continued on next page with Q & A)

ART LOSS IN IRAQ: AN UPDATE
Q & A

Q Regarding the vast amounts of material being looted, where is the market to support it? You would expect to see the material in the auction houses or private dealers. Has it been seen?

A JOHN RUSSELL (JR): I'm unable to track the market end. But your point is a good one. People who are involved in the police efforts say it's being stored for the future, for when demand catches up. At this point it's probably difficult to sell recently looted antiquities. Things that don't have any prior sale history turn up in auction catalogues and on eBay and the like. A regular supply surfaces, but nothing like the amount that seems to be leaving. In fact, one looter came to the Antiquities Department and offered to sell his loot because he thought he could get more from them than he could from the flooded market. So, there is some hope. Maybe the market is not big enough to support what's happening. The stuff is coming out of the ground. I don't know whether it is going onto the market or into a warehouse. That's all I can say. It has puzzled me.

Q In light of the extensive fighting and the fact that lives are still being lost, what, realistically, can be done to stop the looting of the sites, particularly the more distant ones?

A JR: The fighting comes and goes. The area that's the worst hit for looting, as far as we can tell – in southern Iraq – is not representative. It is that poor Shia area in the south, which, unfortunately, is also the area of major Sumerian cities. In April 2003 it would have been foolish to send anybody there when the motley army was going in under Mottadeh's banner, in their black uniforms, and saying "we're looting for Mottadeh." That's not a safe situation. They were looting at night and fighting in the day. Right now, however, they seem to be just back to looting, and not fighting. They still have their BKC machine guns and their rocket-propelled grenades. You need to get enough well-equipped Iraqis. The key, as Bonnie Burnham said, is that it has to become the Iraqis' project. And it is. Naturally, the Iraqis want to protect the sites. They say, "How are we going to do it?" That's where we can provide assistance. So, the short answer is that the fighting is not where the looting is as far as I can tell. It would be a very good time to beef up the security in the southern Sumerian area.

Q Do we know anything more about the looting networks that were supposedly organized in the 1990s by Udey Hussein, Saddam's son?

A JR: I've heard that rumor, too, from people who were in a position to know. I think that there's little doubt that the looting in the mid-90s involved collaboration of people who were close to Saddam's family. I don't think there's any evidence that Saddam supported it or that it was an officially government-sanctioned process. That network didn't collapse with the collapse of Saddam's regime. So the people that were developed to run the market are still out there.

Q Was the looting of the Iraq Museum covered by insurance?

A JR: Not that I'm aware of.

AN IFAR EVENING ON IRAQ

Josephine L. Berger Nadler (left) and Barbara Brennan Ford (right); Barbara Koz Paley in rear

Left to Right: William B. Jones and Franklin Feldman, former Chairmen of IFAR, and Jack A. Josephson, current Chairman

Samuel C. and Rosetta Miller

Sharon Lorenzo (left) and Roberta Huber (right)

Ian McLaughlin and Dallas Pell

Helen Roosevelt and William B. Jones

PHOTOS: STEVEN TUCKER

JUDGING FAKES

The Expert versus the Object
JUDGING FAKES AND FALSE ATTRIBUTIONS IN THE VISUAL ARTS
EDITED BY
Ronald D. Spencer
FOREWORD BY EUGENE VICTOR THAW

Ronald D. Spencer, Ed.
The Expert versus the Object: Judging Fakes and False Attributions in the Visual Arts
Oxford University Press, New York, 2004.
Hard cover: 268 pp; List Price: $35 USD
ISBN 0-1951-4735-9

REVIEW BY MAURICE TUCHMAN*

EDITOR'S NOTE: *IFAR's Executive Director, Sharon Flescher, contributed a short essay about IFAR's Art Authentication Research Service to* The Expert Versus the Object. *It is one of 18 chapters. Normally, even the perception of a conflict of interest would have precluded a review, but the book's subject matter was sufficiently germane to IFAR's areas of interest – and that of our readers – that a brief discussion by an outside specialist seemed warranted.*

While reviewing this exceptionally absorbing fresh anthology of articles about authenticating fake artworks, express mail brought to hand a photograph of a purported Modigliani canvas. This was sent to me by a friend on behalf of the widow of a recently deceased Hollywood luminary. Receipts of sale revealed that the painting was sold by a Swiss art dealer in Zurich (well-known) to an art dealer in Ojai, California and resold months later, in 1952, to the legendary film director. The price for the "Modigliani" *English Lady* was $12,000. A friend of the purchaser was the prestigious film director William Wyler, who with his wife had purchased a fine Modigliani *Portrait of Manuello*, c.1916 at the same time (this painting was donated to the Los Angeles County Museum of Art). So how is it that the purchaser, a film director of distinction and sophistication, in contact with seasoned art buyers, could fall for such a bogus work? The answer was pithily expressed by art historian Max J. Friedlander in his *On Art and Connoisseurship*, 1942 (the only reprint, and a well-chosen one, in this volume): "Forgeries must be served hot, as they come out of the oven." Indeed, this was a hot item, as the Modigliani 1950 retrospective at MoMA had recently concluded, and fakes were entering the market with increased frequency. Fake Modiglianis had appeared decades previous–even in the 1930 Venice Biennale retrospective: *A Portrait of Hanka Zborowska* in that exhibition appears to be from the same hand as the image in my express mail, but perhaps its dissemination was inhibited by WWII.

*Maurice Tuchman founded the Dept. of 20th Century Art at the Los Angeles County Museum of Art in 1964 and served as Chairman for over three decades. Now active in New York as an art consultant and independent curator, he has published, among many books and catalogues, the catalogue raisonné in two volumes of Chaim Soutine (1893-1943). He and Esti Dunow are presently completing Volume III with new material discovered since the 1993 edition appeared. See www.Soutinecatalogue.org.

Clearly then, any collector who wishes to know more about an artwork than is revealed only to the naked eye should peruse this eminently readable book. Seldom is such serious and often subtle material rendered so accessibly, even pleasurably. Rather than being put off by the inevitable complexities in judging authenticity in art, the collector should come away all the more appreciative by comprehending how extraordinary the real and genuine thing actually is in fact. Ronald D. Spencer's volume, with its sound contributions from 14 experts, will provide the potential art buyer virtually all the tantalizing questions needed to help him make an informed purchase and should not dissuade such a buyer from transacting: the art world may indeed present itself as a maze, but a true maze presents egress as well as entrance (as, for example, the auction houses now offer a five-year guarantee).

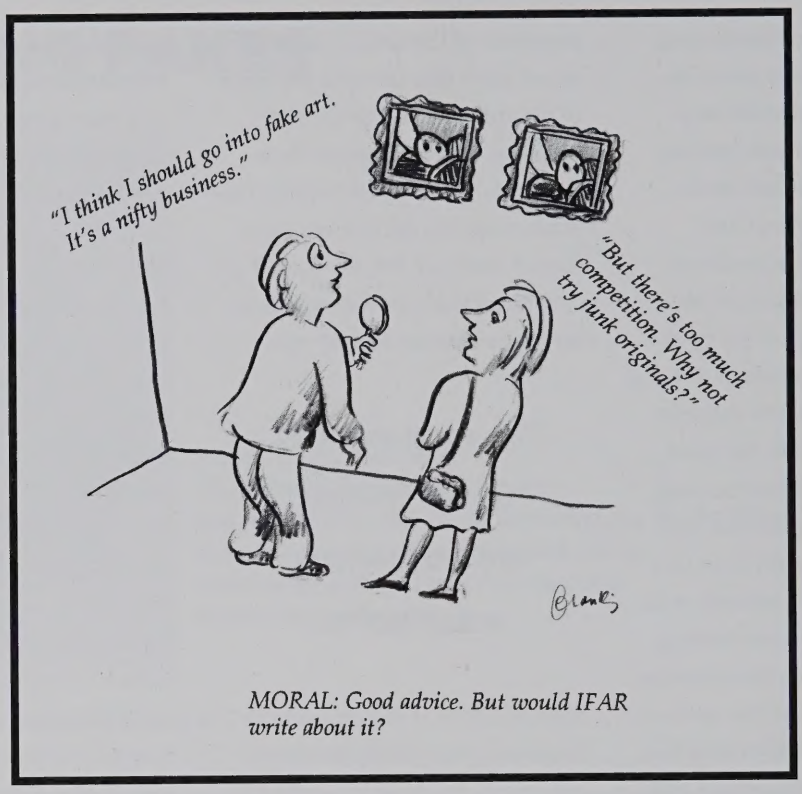
The aperçus alone in this volume are wonderfully enlightening. Francis O'Connor neatly contrasts *Form*, with its characteristics and strategies that comprise artistic temperament, with *facture*, the way the artist's hand expresses this temperament. John Tancock explains how the public's interpretation of the artist's intentions count more than strict adherence to the rule of law – in the marketplace, that is. Eugene Thaw declares, "The more scientific toys made available for the examination of works of art, the more I am convinced that there is no substitute for a trained human eye."

The aperçus alone in this volume are wonderfully enlightening.

Samuel Sachs II suggests that museums, more than dealers or collectors, are most interested in and value objects regardless of their market value; and in speaking of the key value of provenance, calls the reader to mind that there may be more fake provenances than fake paintings. Catalogues raisonnés are analyzed by Michael Findlay, who points out that "a good catalogue raisonné is a work in progress, even though that work may be stalled for a generation or two." And IFAR Executive Director, Sharon Flescher, succinctly describes the workings of her organization, which uniquely contends with authenticating a wide, disparate array of artworks by many artists, involving multiple specialists on a single project.

First and foremost, the gold standard in matters of authentication is the catalogue raisonné – or, more exactly, that particular catalogue raisonné which carries credibility with a majority of experts in one field. But it needs to be said that a collector has to read the front matter of any catalogue raisonné in order to understand the specific criteria used by the author in forming his conclusions and explaining his omissions. John Rewald, for example, followed the lead of Max Friedlander in preferring to include and perhaps make a mistake, rather than exclude and "make a sin." There are instances, however, when an artist's work becomes so plagued with fakes that his historical contribution may be said to be contaminated. Such is the case with Modigliani, as in the case noted above.

In times like this, one needs to make the core creation of the artist solid and clear, to make an irrefutable standard that will set a foundation for more speculative judgments to follow.



MORAL: Good advice. But would IFAR write about it?

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STOLEN ART ALERT

The Stolen Art Alert, published by IFAR since 1977, is now produced in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol. The information in each entry is supplied by the owner and/or insurance companies to the ALR, police, the FBI, Interpol, and others, and IFAR does not accept responsibility for, nor make any representations with respect to, its accuracy or authenticity.

Most items in this publication are registered in the database of the Art Loss Register, with its New York office at 20 East 46th Street, New York, NY 10017 and its London office at Suite 101, Linton House, 164-180 Union Street, London, SE1 0LH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 212.297.0941.

STOLEN ART*

PAINTINGS

78 JUAN GRIS (Spanish, 1887-1927). *L04.779. Stolen from a gallery in Paris while on loan from a Paris auction house on June 3, 2004.

79 FERNAND BOTERO (Colombian, b.1932). *Dupont Family.* *L04.1332. Stolen on June 18, 2004 in Caracas. Interpol no. 20020304297.

The following two paintings by Edvard Munch (Norwegian, 1863-1944) were stolen at gunpoint from the Munch Museum, Oslo, Norway on August 22, 2004. See story on p. 4, this issue.

80 *Madonna.* c.1894-95. Oil on canvas. Photo: Copyright Munch-museet/Munch-Ellingsengruppen/ BONO 2004.

81 *The Scream,* 1893. Tempera on cardboard. See color photo on inside back cover.

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82 EDWIN HAYES (Irish, 1819-1904). *Fishing Vessel in Distress.* *L04.1369. Stolen on March 10, 2004 from a private residence in Crouch End, London.

The following paintings were stolen from a private residence on August 20, 2004. (*L04.1388):

83 GEORGE WRIGHT (English, 1860-1942). *Goodnight Gentlemen.* 16" x 24".

84 GEORGE WRIGHT. *Huntsman on Grey Horse and Hounds at Gate.* 16" x 14".

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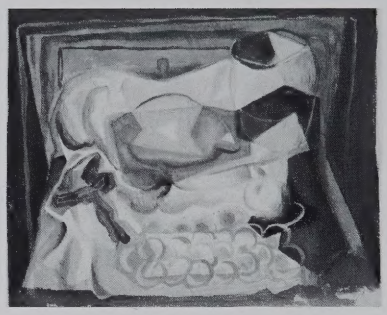
*Numbering for the year 2004 Cumulative Index of Stolen Art began with the last issue, Vol. 7, no 1.



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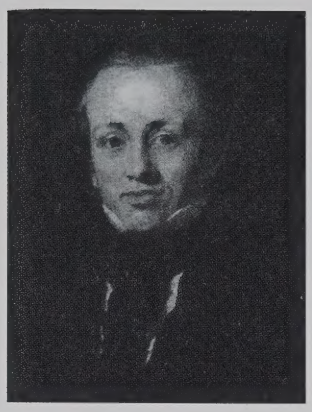

87

85 JOANNES FREDERICK SCHÜTZ (Dutch, 1817-1888). *Dutch Fishing Boats.* Oil on panel, 12" x 20".

86 FOLLOWER OF JOHN CONSTABLE, R.A. (English). *A View of Dedham Vale from Langham.* Oil on canvas. 25" x 21.5".

87 WILLIAM HOLMAN HUNT (English, 1827-1910). *Portrait of Thomas Bull.* Oil on canvas. 20 3/4" x 17". *L04.662. Stolen from a gallery in London on February 14, 2004.

88 JOHANN CORNELIUS MERTZ (Dutch, 19th century). *17th-Century Interior with a Woman Admiring a Portrait*, 1857. See color photo on inside back cover.

The following paintings by ADRIEN-JEAN LE MAYEUR DE MERPRÈS (Belgian, 1880-1958) were stolen in Brussels on July 7, 2004. (*L04.1376):

89 *Femme sur la plage.* Oil on panel, 35.5 x 55 cm.

90 *Le Marché à Bruges.* Oil on canvas, 36 x 45 cm.

The following paintings were stolen from a private residence in Belgium. Interpol no. 20040812982:

91 LEON BRUNIN (Belgian, 1861-1949). *Admiration.* Oil on canvas. 67 x 50 cm. Signed u/l.

92 THÉODORE GÉRARD (1829-1902). *A L'Auberge.* Oil on canvas. 74 x 109 cm. Signed.

93 THÉODORE GÉRARD. *La Joie de la Famille.* Oil on panel. 65 x 90 cm. Signed.

94 CAMILLE VENNEMAN (1827-1868). *La Conversation*, 1865. Oil on canvas. 100 x 80 cm. Signed.

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The following paintings were stolen from the Czech Republic. Interpol no. 20040609514:

95 *Christ in the House of Martha and Mary* (18th-19th century). Oil on canvas. Oval: 35 x 25 cm. With frame: 60 x 50 cm.

95

96 *Christ Meeting the Samaritan Woman* (18th-19th century). Oil on canvas. Oval: 35 x 25 cm. With frame: 60 x 50 cm.

96

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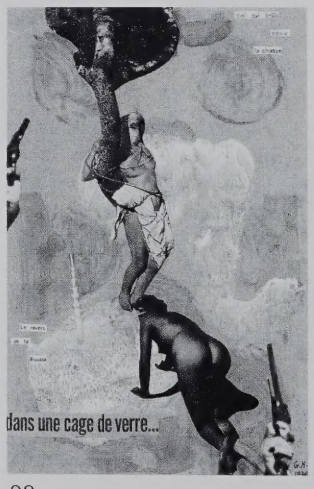
97 LOUIS GRIMSHAW (English, 19th century). *The Palace of Westminster.* *L04.1229. Stolen in Herefordshire, between August 6 and August 7, 2004.

97

98 SHISHKIN IVAN IVANOVICH (Russian, 1832-1898). *A Meadow at the Edge of a Forest.* *L04.1278. Stolen from a museum in Ples Russia on August 8, 2004.

98

99 GEORGES HUGNET (French, 1896-1974). *Dans une Cage de Verre.* *L04.1188. Stolen from a gallery in France in June 2004.



99

The following paintings were stolen from a gallery in London on April 24, 2004. (*L04.1155).

100 GASPAR LLEO MIRO (Spanish, 1859-1930). *View of the Grand Canal.* Oil on panel, 6.5" x 9".

100

101 GASPAR LLEO MIRO. *The Doges Palace.* Oil on panel. 6.5" x 9".

101

102 MARIE-DIDIÈRE CALVÈS (French, b.1883-d?). *English Setters.* Oil on board, 6.5" x 9.5".

102

103

104

103 FELIX ALARCON (Spanish, 19th-20th century). *The Umbrella.* Oil on board, 14" x 7". *1155.1.

104 FELIX ALARCON. *The Milliner.* Oil on panel, 14" x 7". *1155.

105 JOHN SUTTON (English, 19th-20th century). *A Winter's Day, The Gatehouse, St. James Palace,* c.1920. Oil on canvas, 12" x 16". *1155.2.

106 JOHN SUTTON. *Springtime Berkeley Square.* Oil on canvas, 12" x 16". *1155.5.

107 JOHN SUTTON. *A Summer's Day in Whitehall,* 1931. Oil on canvas, 12" x 16". *1155.7.

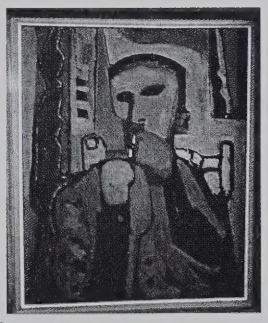
The above are just three of several Sutton paintings stolen.

105

106

The following paintings were stolen from a private residence in Sweden between July 8 and July 13, 2004 (*L04.1298):

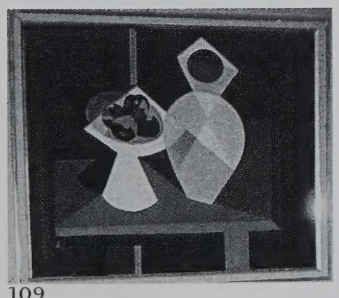
107



108

108 FRANCISCO BORES LOPEZ (Spanish, 1898-1972). *Portrait of a Man.* Oil on canvas, 87 x 77 cm. *L04.1298.5.

109 LEON GISCHIA (French, b.1903). *Still Life.* Oil on canvas. 66 x 80 cm.



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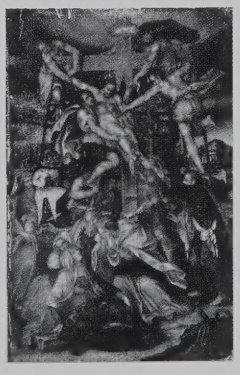


110

110 DANIEL DE VOLTAIRE. *Levee de Croix.* 25 x 18 cm. Inscription in Old Russian verso. .*N04.193. Stolen from a vehicle in Kiev, Russia. Interpol no. 20020304297.

111 THÉODORE CHASSÉRIAU (French, 1819-1856). *Intérieur Oriental,* 1851. See color photo on inside back cover.

112 *Saint Esteban* (Spanish). Stolen in Mexico. Interpol no. 20040507844.

112

113 CHARLES LEFÉBVRE (French, 1805-1882). *The Alsatian.* Oil on panel. 90 x 60 cm. Stolen from a private residence in Santiago, Chile on December 4, 1999. Interpol no. 20040608461.

113

The following paintings were stolen from a castle in Morayshire, Scotland in 1982. (*Lo4.1340):

114 NICHOLAS BERCHEM (Dutch, 1620-1683). *The Hawking Party.*

114

115 SAM BOUGH (Scottish, 1822-1878). *Incholme Firth of Forth.*

115

116 PIETER NOLPE (Dutch, 1613-1653). *Ferry Crossing the Rhine at Nimwejen.*

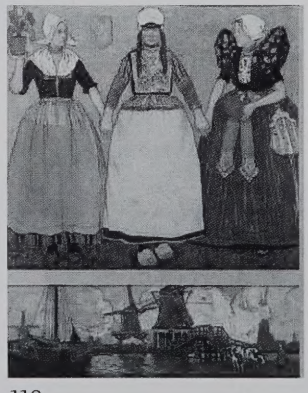
116

WORKS ON PAPER

117 PABLO PICASSO (Spanish, 1881-1973). *The Painter and His Model,* 1954. Ink and wash on paper, 27 x 35 cm. Signed l/r. Markings: 10.1.54-XVI. Stolen from a private residence in Paris, France on August 4, 2004. Interpol no. 2004/44576-1.1.

117

118 HENRI CASSIERS (Belgian, 1858-1944). Two works in one frame. Signed and monogrammed. Gouache and aquarelle, 37.5 x 40.5 cm and 13.5 x 40.5 cm.*Lo4.1376. Stolen in Brussels on July 7, 2004.



118

PRINTS, LITHOGRAPHS, ETCHINGS

119 MARC CHAGALL (Russian/French, 1887-1985). *Bird and Egg.* Lithograph, 80 x 57 cm. *Lo4.1298.6. Stolen from a private residence in Sweden between July 8 and 13, 2004.

119

120

121

120 *Scrooge McDuck*. Lithograph. *L04.1368. Stolen from a library in Oslo, Norway on September 30, 2004.

121 PABLO PICASSO (Spanish, 1881-1973). *Trois Amies*, 1927. 16" x 11". Numbered 32/150 (l/l in red). Signed "Picasso" on plate and paper in l/r in red BLOCH 76. *N04.185. Stolen from a New York residence in June 2004.

SCULPTURE

122 NIKI DE SAINT PHALLE (French, 1930-2002). *Big Ganesh*. See color photo on inside back cover.

The following two sculptures were stolen from a California residence in May 2004. (*N04.176):

123

123 FREDERICK HART (American, 1943-1999). *First Light*. Lucite, 22" x 8" x 9". Inscribed #169/350, 1980; signed "1989 FH ISGL."

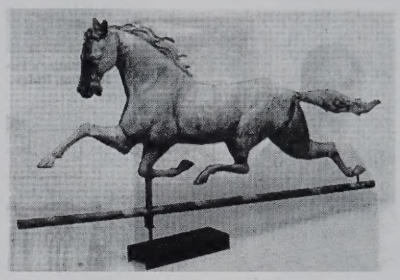
124

124 NORA ANSELL (American, 19th century). *Tusk*. Ivory. Carved in the shape of a mermaid. L: 35". On a wooden base.

125

125 JULIUS PELIKAN (Czech, 1887-1969). *Bozena Prindisova*, 1930. White marble. Ht: 175 cm. Wt: 200-300 kg. Stolen in the Czech Republic. Interpol no. 20040507275.

126 L. W. CUSHING & SON (American, 19th century). *Patchen Horse Weathervane*, c.1883. Copper. Approx. ht: 24". Approx L: 42". *No4.151. Stolen from the roof of a private residence in Massachusetts in May 2004.



126

The following statues, c.1979-1984, copies of originals by Mathyas Braun (Czech, 1684-1738) were stolen from a castle garden in the Czech Republic. Interpol no. 20040507278:

127 *Dionysus and Persephone.* Ht: 200 cm.

128 *Modesty.* Ht: 160 cm.

129 *Polymnia.* Ht: 200 cm.

130 *Slyness.* Ht: 160 cm.

131 *Vanity.* Ht: 160 cm.

127

128

129

The following two statues were stolen from a church in Belgium. Interpol no. 20040812835:

132 *Saint Catherine* (18th century). Limestone. Ht: 98 cm.

133 *Saint Martin* (16th century). Polychrome wood. Ht: 75 cm.

130

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134 *Immaculate Conception* (Spanish, 19th century). Polychrome wood. Stolen from the Santísima Trinidad de los Padres Franciscanos Church residence in Chile on December 6, 2001. Interpol no. 20040608461.

135 *Bird Man.* Porous bone, 31.5 x 11.6 cm. Stolen from the Museum of Valparaíso between October 9 and October 15, 2002. Interpol no. 20040608461.

136

137

136 *Winged Angel* (ca.1750–1800). Polychrome wood. Stolen from the Czech Republic. Interpol no. 20040609514.

The following sculptures (c.1725–1799) were stolen from the Church of Virgin Mary Visitation in Jedlova, Svitavy region, Czech Republic between September 25 and September 29, 2003. Interpol no. 20041015570:

138

139

137 *Baptism of Christ by John the Baptist.* Ht: 50 cm.

138 *Sitting and Standing Cherubs with the Ten Commandments.* Ht: 55 cm.

139 *Sitting Cherub with Palm Branch.* Ht: 50 cm.

The following polychrome wood statues were stolen from a church in Pas de Calais, France in September 2004. Interpol no. 2004/44554:

140

141

140 *Saint Barbara* (16th Century). Ht: 56 cm.

141 *Saint Anne, the Virgin Mary and the Child Jesus* (16th Century). Ht: 94 cm.

142 *Saint Quentin* (16th Century). Ht: 48.5 cm.

143 *Saint Quirin* (19th century).

DECORATIVE ARTS

CLOCKS

144 *Mantle Clock* (French, 19th century). Gilt metal with blue glass cathedral window. 20" x 9" x 5". *No4.169. Stolen from a New York antiques store in June 2004.

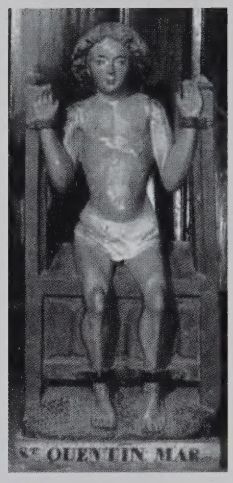
145 *Table Clock.* Approx. ht: 65 cm. Stolen from an antique shop in Santiago, Chile on August 28, 2002. Interpol no. 20040608461.

MISCELLANEOUS

146 Gruber Brothers Company (American, 20th century). *Wall Lamp.* Bronze. Stolen from the National Palace of Culture in Guatemala on May 2, 2003. Interpol no. 20040813136.

PRE-COLUMBIAN ART

147 *God of the Maize* ((Mayan, Late Classic). Jade. Ht: 5.4 cm. Wt: 66 g. Stolen from the Honduran Institute of Anthropology and History in Tegucigalpa. Inventory no. CPN-J-856.



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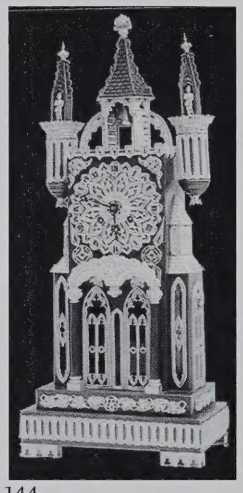
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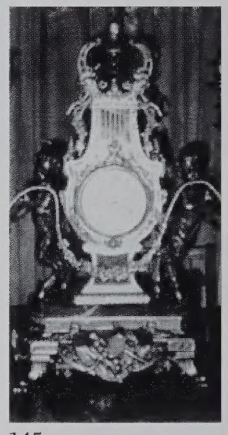
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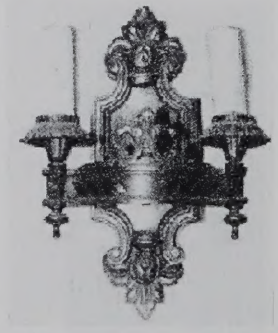
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147

15

16

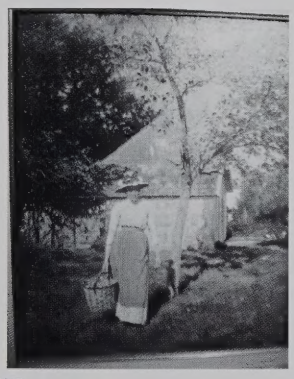
MISSING ART**

PAINTINGS

The following two paintings were discovered missing from a storage facility in Massachusetts in 1984. (*N04.158):

15 SIR PETER LELY (Dutch/English, 1618-1680). *Portrait of Lady Townsend.* Oil on canvas.

16 *Three Honeywell Children.* Oil on canvas.



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18

17 ADOLPHE BINET (French, 1854-1897). *Summer Landscape.* Oil on canvas. 46 x 38 cm. Signed l/l. *N04.210. Lost in overseas transit between June and September 2004.

WORKS ON PAPER

18 CHRIS OFILI (English, b.1968). *Bust of a Woman.* Photo shows one of six paintings stolen. Watercolor. 9.5" x 6.25". Signed and dated verso. *N04.148. Discovered missing from a storage facility in New York in 1999.

19 PIERRE BONNARD (French, 1867-1947). *Dans la Salle Manger*, c.1925. See color photo on inside back cover.

20

PHOTOGRAPHS

20 ROSS HORATIO (English, 1801-1886). *The Cairn on the Summit of Mam Sodhill*, 1850. Wax paper negative on paper. 10" x 13". *N04.205. Lost in transit between a European city and June 2001.

** Numbering for the year 2004 Cumulative Index of Missing Art began with the last issue, Vol. 7, no 1.

RECOVERED ART***

1 JOSEPH HENRY SHARP (American, 1859-1953). *Jerry with Apache Bow and Arrows*, 1921. See color photo on inside back cover.

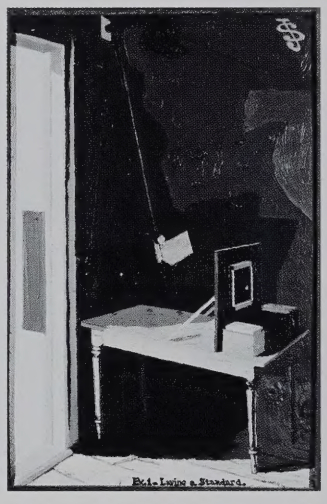
2 EDWARD HORNEL (Scottish, 1864-1933). *Picking Blossom.* Oil on canvas. 4' x 4'. Stolen from a private residence in Corstorphine, Scotland in 1991, the second time in five years that the work had been stolen. Recovered in Somerset, England in October 2004 after the Art Loss Register discovered it had just been sold by Bonhams auction house.

2

The following two paintings by JESS (American, 1924-2004), which were lost from Odyssia Gallery in New York between December 10, 1998 and November 3, 2003, were recovered in September 2004. (*N04.35):

3 JESS. *Ex. 1 Laying a Standard: Translation* #1, 1959. Oil on canvas. 23 1/2" x 15".

4 *Kitkat: Imaginary Portrait #12*, 1955. Oil on canvasboard. 18" x 14". Photo not shown.



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*** Numbering for the year 2004 Cumulative Index of Recovered Art began with the last issue, Vol. 7, no 1.

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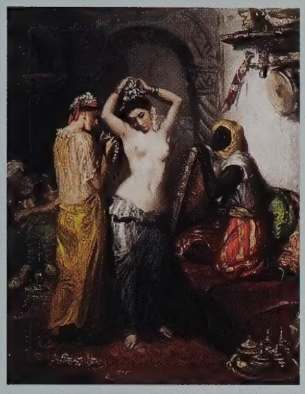

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STOLEN ART

81 EDVARD MUNCH (Norwegian, 1863-1944). *The Scream*, 1893. Tempera on cardboard. Stolen at gunpoint from the Munch Museum, Oslo Norway on August 22, 2004 along with item no. 80, p.64.

88 JOHANN CORNELIUS MERTZ (Dutch, 19th century). *17th-Century Interior with a Woman Admiring a Portrait*, 1857. Oil on canvas. 32" x 26." Signed "J.C. Mertz" and dated l/l. *No4.209. Stolen from an art gallery showroom in California in 2004. Interpol no. 2044.38189-1.1.

111 THÉODORE CHASSÉRIAU (French, 1819-1856). *Intérieur Oriental*, 1851. Oil on panel, 18 1/4" x 14 3/4". Signed l/l: Th Chassériau; stamped verso with the Vente Chassériau wax seal. *No4.268. Stolen from Adam Williams Fine Art in New York on November 30, 2004.

122 NIKI DE SAINT PHALLE (French, 1930-2002). *Big Ganesh*. Steel, polystyrene foam, polyurethane, automotive paint. 26" x 18" x 15". One of two parts of a larger sculpture. *No4.170. Stolen in California in December 2003.

RECOVERED ART

1 JOSEPH HENRY SHARP (American, 1859-1953). *Jerry with Apache Bow and Arrows*, 1921. Oil on canvas. 20" x 14". Stolen, Nedra Matteucci's Fenn Galleries, January 28, 2004. Recovered August 31, 2004 when a stranger delivered it to the gallery.

MISSING ART

19 PIERRE BONNARD (French, 1867-1947). *Dans la Salle à Manger*, c.1925. Pencil on paper. 6.3" x 4.3". CDS #3311. Stamped with monogram l/r. Framed. Discovered missing from CDS Gallery in New York in October 2004.

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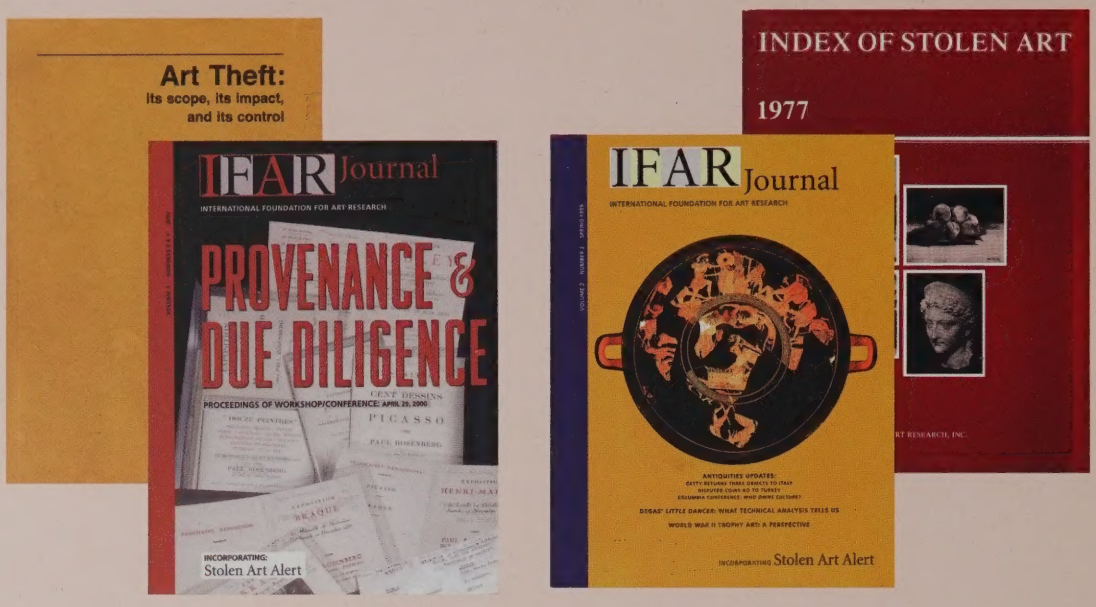

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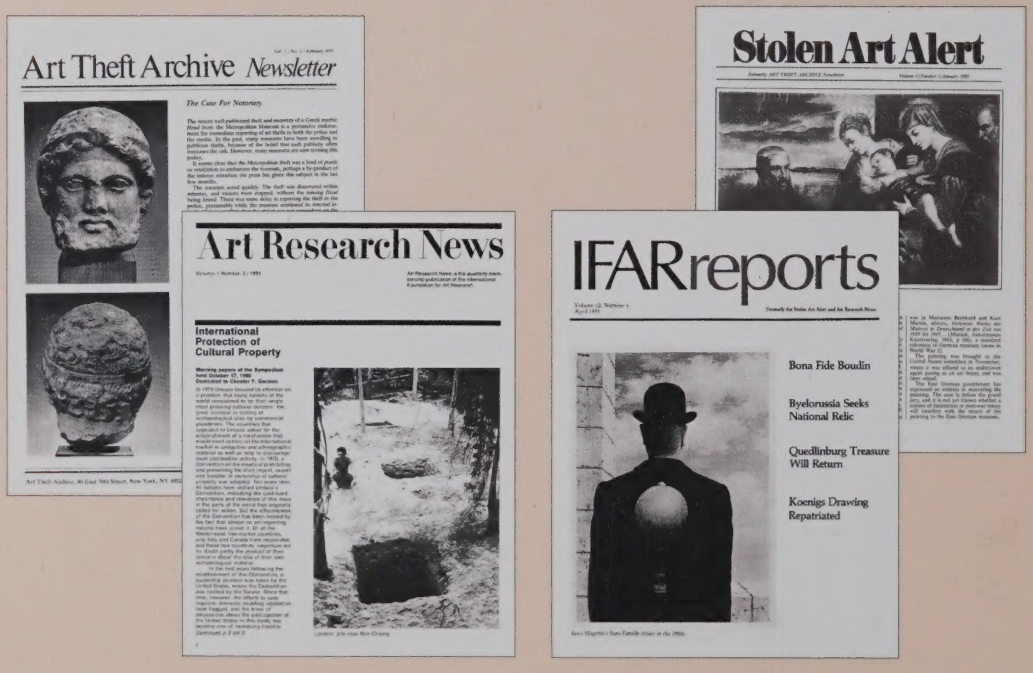

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